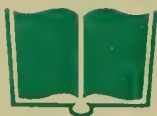


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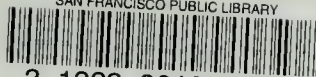
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THE SAN FRANCISCO COMMITTEE ON CRIME

A REPORT ON THE SAN FRANCISCO POLICE DEPARTMENT PART I

Moses Lasky, Co-Chairman
William H. Orrick, Jr., Co-Chairman
Irving F. Reichert, Jr., Executive Director

THE EIGHTH REPORT OF THE COMMITTEE

June 9, 1971

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June 9, 1971

Honorable Joseph L. Alioto,
Mayor of the City and County
of San Francisco
City Hall
San Francisco, California 94102

My dear Mr. Mayor:

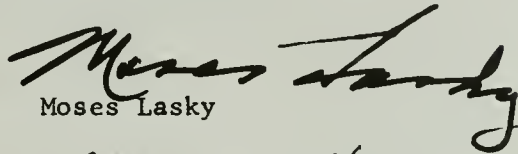
With this letter the San Francisco Committee on Crime submits to you Part I of its Report on the San Francisco Police Department. No subject has received more study or careful consideration by the Committee than this. Police departments throughout the United States have for some reason normally enjoyed immunity from temperate or reasonable criticism. Either they are attacked with blind zeal or defended with similar fervor, and any criticism is met with violent reaction. Great effort and much time have gone into making our Report an objective one, and we trust that it will be gravely studied.

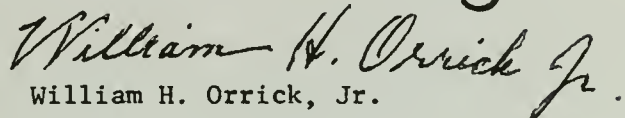
If it were necessary to sum up our conclusions in a brief sentence, it would be that a good police department, or at least an acceptable one, by the standards of earlier decades of this century, is an anachronism in the 1970s and in the remaining decades of the century. A highly professional, efficient, and sociologically alert police force is needed in a metropolitan city like San Francisco. We do not have it. The last year has shown the beginning of improvement, but more, much more, is necessary, changes in the Charter, changes in attitude, changes in the policeman's conception of his function, changes in the control by civilian leadership.

Previous reports on the San Francisco Police Department have traditionally gathered dust on the shelves. Your leadership in putting into effect the recommendations in our Report on the Police may attract immediate criticism, but in the long run will add luster to your administration of this city.

In the near future a Part II of our Report on the Police Department will be forthcoming. Neither Part I nor Part II discusses the very important subject of the Police Department's community relations. When the Committee originally applied to the Ford Foundation for funds, it included in its application a project for that subject. However, another organization, known as PACE, was funded by the Ford Foundation for that purpose, and consequently the Committee on Crime withdrew from that field in order to avoid duplication of effort.

Respectfully,


Moses Lasky


William H. Orrick, Jr.

Co-Chairmen

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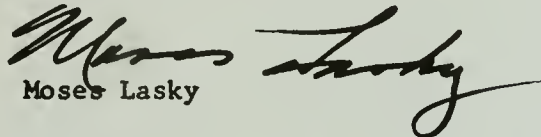
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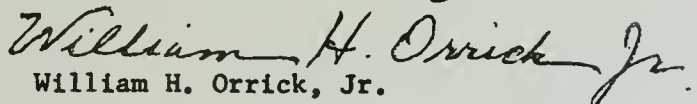
Honorable Dianne Feinstein,
President of the Board of Supervisors
of the City and County of San Francisco
City Hall
San Francisco, California 94102

Dear Mrs. Feinstein:

The San Francisco Committee on Crime submits
to you with this letter Part I of its Report on
the San Francisco Police Department. Sufficient
copies are enclosed for all members of the Board
of Supervisors. We also enclose a copy of the
letter by which we are concurrently submitting
the report to the Mayor.

Respectfully,


Moses Lasky


William H. Orrick, Jr.

Co-Chairmen

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REFERENCES

The following reference titles, cited throughout this report have been shortened as indicated.

Ahern Report = Study of San Francisco Police Department, Francis J. Ahern, Chief of Police, 1957.

Bruce Smith Report = Report of a Survey of the San Francisco California Police Department, Bruce Smith, Jr., 1957.

Cahill Report = 1968 Special Report: San Francisco Police Department, Thomas J. Cahill, Chief of Police.

City Charter = Charter of the City and County of San Francisco.

Crime Commission = The Challenge of Crime in a Free Society, The President's Commission on Law Enforcement and Administration of Justice, 1967.

Kansas City Study = Survey of Municipal Police Departments, Kansas City Missouri Police Department, 1969 and 1970 as indicated.

M.P.A. = Municipal Police Administration, International City Management Association, Sixth Edition, 1969.

Mayor's Budget Task Force = A Report with Recommendations Concerning the Activities of the Police Department of the City and County of San Francisco, The Budget Task Force of the Mayor's Committee for Municipal Management, 1961.

Rules and Procedures = Rules and Procedures: Police Department; City and County of San Francisco.

Task Force Report: The Police = Task Force Report: The Police, The President's Commission on Law Enforcement and Administration of Justice, 1967.

Ward-Natoli Report = A Systems Analysis of the San Francisco Police Department: Bureau of Inspectors, Richard Ward and Richard Natoli, 1969.

Washington Survey = Report of the President's Commission on Crime in the District of Columbia, "Survey of the Metropolitan Police Department," International Association of Chiefs of Police, 1966.

INTRODUCTION

A report on the San Francisco Police Department must start with recognition of the difficult conditions under which this department operates. While these conditions are found in most urban areas of the United States, they also profoundly affect law enforcement in San Francisco.

In the past, police departments had the cooperation of almost all citizens, for they believed that the police represented legitimate authority exercised by the community for the common good.

Today there is increasing dissatisfaction with government, and "the establishment." It is a widely held belief that the views of those who control government are not those of the community and are not for the common good. "Power to the people" is a slogan of some of the more militant, but there is no question that even among the more moderate there is a great deal of discontent with the way things are going.

Too often it is the police who take the brunt of people's dissatisfaction with inadequacies of government. It is the police who are ultimately called upon to enforce the laws that dissatisfied

persons find objectionable. The police are also highly visible, and they man the front ranks when confrontations take place. The police must contend with large and vocal groups of citizens who frequently deny the legitimacy of police authority. The claim is heard that police action has become a weapon by which minority groups are oppressed and persecuted, and that police action is often used for political rather than legitimate law enforcement purposes. The belief itself, justified or unjustified, has become a barrier to effective police work.

One unfortunate result of all this is that the police feel themselves isolated and set apart from the rest of the community. There are recommendations in this Report designed to dispel that isolation. There is no question but that the gap that now exists between the police and the community has been caused by both sides and there should not be "both sides." Only when a police officer is regarded and can regard himself as just another civilian doing an important and necessary job, a part of the community rather than apart from it, can the police department operate at its best and the community receive the greatest service.

The antagonisms that some feel toward the police in no way lessen the need for police excellence and restraint. To the contrary,

they make it even more important that police work be conducted with skilled professionalism, that police officers be held strictly accountable for their conduct, and that the police department be administered in a manner that will assure effective crime prevention and still respect the rights of those whose protection the department is entrusted.

A. A History of the Committee's Report

The information and recommendations contained in this Report are the result of over two years of work. During 1968, before the Committee received Ford Foundation funding, members of the Committee interviewed many members of all ranks within the police department, visited a number of police stations, and even rode police cars on regular assignments.

In early 1969, the Committee received a grant from the Ford Foundation. This enabled it to engage a full time director and additional staff. Plans were then made for a survey to be made of the police department by professional law enforcement officers. The Committee originally explored the possibilities of having a professional management consultant firm assist in this work. It was soon discovered that the cost of such a study would not only be very high, but also that these firms lacked technical expertise in police work.

We asked the International Association of Chiefs of Police to conduct a survey of the department, but their staff was fully committed to other projects at that time. The Committee then decided to engage its own professional staff to make the study of the department.

In mid-1969, we were fortunate to obtain the services of Mr. Craig Broadus who had recently retired after many years in the Los Angeles County Sheriff's Office. That Office is one of the largest law enforcement agencies in the country, and Mr. Broadus had a wide experience in police work having started as a radio car officer and working his way up through the ranks to a top administrative position within the department. Assisting him in the study for one year was Mr. Larry Ard, the training sergeant of the Contra Costa County Sheriff's Office, who was given a leave from his department to join our staff. Also assisting for a number of months was Mr. William Frazier. Mr. Frazier was a former training sergeant of the Contra Costa County Sheriff's Office, had served as a security officer in a large industrial enterprise and had a Master's degree in Political Science. These men made a lengthy and detailed study of the operations of the San Francisco Police Department.

In February, 1970 there was a change of police chiefs in San Francisco. Not only was there a close working relationship between the Executive Director of the Committee and the Chief, but throughout the entire study great cooperation was given the staff by most members

of the department. The relationship between Mr. Broadus and the members of the department was cordial, and discussions between them were usually candid. Undoubtedly because of Mr. Broadus' extensive professional background, he was given many insights into the problems and concerns of the men in the department that would not have been shared with a non-professional.

The appointment of Chief Nelder resulted in a number of improvements in the department, many of which were the result of suggestions made to the department by Committee staff members. To the extent possible, we have attempted to note such changes, to indicate the direction of the department at the time of the issuance of this Report. The changes to date are significant, because they reflect acceptance by the department's leadership of the need for improvement. But nothing short of an unqualified commitment to update the policies and procedures of the department will suffice to remedy many of the present shortcomings. The Committee wishes to emphasize here, as it does elsewhere in this Report, that the Chief can do a great deal to improve the department. As chief administrator, he has the power to insist that policy is carried out and his view of police work and demeanor set the tone for the department. For this reason, the Chief must express his views clearly, and every officer must know that this is the policy of the department, not merely political or public relations verbage.

While the police study proceeded, the Committee published other reports on the system of justice in San Francisco. It became evident that this city does not respond readily to recommendations for change.

The Committee also realized that a report on the police, no matter how sound, would be attacked by various groups both within and outside the department. To be certain of its conclusions, the Committee sought additional professional consultants to appraise its work and conduct any further study of the department that they deemed necessary.

In September 1970, the Committee learned that P.O.S.T., the Peace Officer Standards and Training Commission of the State of California, had recently begun to make management studies of California police departments. The staff of P.O.S.T. includes some of the most competent and experienced police professionals in the country, and enjoyed the respect and confidence of law enforcement officers throughout the state. Mr. Gene S. Muehleisen, the Executive Director of P.O.S.T., is a former member of the San Diego Police Department, and was an Associate Director of the President's Commission on Law Enforcement and Administration of Justice who was responsible for the Commission's Task Force Report on the Police. His staff at P.O.S.T. includes Mr. Edward M. Toothman, a former Chief of the Oakland Police Department, who is regarded as one of the country's leading authorities on police administration. The Executive Director of the Crime

Committee asked the staff of P.O.S.T. if they would conduct as detailed a study of the San Francisco Police Department as they deemed appropriate so that the Committee might be better able to evaluate its own findings and final recommendations. P.O.S.T. agreed to make an independent study of the department if it was invited to do so by the Chief and by the Mayor. The Chief readily agreed to our proposal, and on September 17, 1970, the Mayor sent a letter to the Chairman of P.O.S.T. inviting them to come to San Francisco. Mr. Muehleisen, Chief Toothman and Mr. Koch of P.O.S.T.'s staff came to San Francisco and met with the Mayor, the Chief, the members of the Police Commission, the President of the Board of Supervisors and one of the Co-chairmen and the Executive Director of the Crime Committee to discuss the project.

The result of the meeting was that the Mayor thanked the representatives of P.O.S.T. for having come, explained that he had not previously discussed this matter with the Police Commission, and stated that after he had talked to the Police Commission, it would decide whether P.O.S.T. should be invited. In January 1971, the Police Commission informed one of the Co-chairmen of the Committee and the Executive Director that they did not believe the time to be appropriate for P.O.S.T. to come to San Francisco, and that the Chief had been in his post for less than a year and had not yet been able to carry out all his plans. The representatives of the Committee

pointed out to the Commission that the survey would be of assistance to the Chief in formulating and implementing new plans for the department, would cost the city nothing, and that P.O.S.T. would then be available in the future as a consulting resource to the department in implementing any recommendations to which the Chief, the Mayor and the Commission agreed. To the Committee's regret, the invitation to P.O.S.T. was withdrawn.

B. Crime and the Police

No police department can be expected to stop crime. What little we know about why people commit crimes indicates that to a great extent crime results from social and economic forces over which the police have no control.

Crime flourishes, and always has flourished, in city slums, those neighborhoods where overcrowding, economic deprivation, social disruption and racial discrimination are endemic. Crime flourishes in conditions of affluence when there is much desire for material goods and many opportunities to acquire them illegally. Crime flourishes when there are many restless, relatively footloose young people in the population. Crime flourishes when standards of morality are changing rapidly.¹

¹The Challenge of Crime in a Free Society, The President's Commission on Law Enforcement and Administration of Justice, Washington, D.C., 1967, p. 17.

The improvement of such conditions is obviously beyond the power of the police. To hold a police chief or his department responsible for crime resulting from these causes is as senseless as holding a city public health department or gynecologist responsible for reducing the birth rate. Criminologists, sociologists, political scientists and leading police authorities all agree that even the most efficient and effective police department can have but a limited impact on controlling crime. The police cannot change the causes of crime; their job is to reduce the opportunities for crimes to occur, and to apprehend those who commit them.

But pending the improvement of the social and economic conditions in our cities, there are a number of things a police department can do to help reduce crime. Effective patrol work is important. Good investigative work and rapid apprehension are also important. And a continual effort must be made by the department to educate the community to take certain common sense precautions which will make the work of the criminal more difficult.

C. Management -- The Major Problem of All Police Departments

The President's Crime Commission Task Force Report on the Police included a summary of major findings. It is repeated here almost in its entirety because it is so applicable to the San Francisco Police Department.

- * Many departments lack qualified leadership. Police chiefs and personnel in middle management ranks should be required to have sufficient education and training to enable them to administer the complex affairs of a police force, and should receive salaries sufficient to attract and retain top administrators.
- * Many departments are not organized in accordance with well-established principles of modern business management. They should be reorganized in accordance with such of those principles as best apply to the police, and those principles themselves should be periodically reexamined in the light of the changing nature of the police role.
- * Many departments resist change, fail to determine shortcomings of existing practice and procedures through research and analysis, and are reluctant to experiment with alternative methods of solving problems. The police service must encourage, indeed put a premium on, innovation, research and analysis, self-criticism and experimentation.
- * Many departments lack trained personnel in such fields as research and planning, law, business administration and computer analysis. Specialist units, staffed by sufficient personnel trained in a variety of disciplines, should be utilized to plan and project programs, evaluate and streamline procedures, improve management and administration, engage in special operations and establish methods of maximizing the use of personnel...
- * Many departments fail to deploy and utilize personnel efficiently. Police administrators should study such matters as (a) the basis for deploying uniformed personnel; (b) the use of one or two-man motor patrol; (c) whether or not, and for what purposes, men should be assigned to foot patrol, and whether men so assigned should serve alone or in pairs; (d) the feasibility of "team policing;" (e) the extent to which civilians can be used in staff and clerical work; and (f) the extent to which such police activities as jailing, communications, records, and laboratories can be "pooled" with other departments or assumed by other governmental units.

- * Many departments have not adequately applied technological advances that would be beneficial to law enforcement. Regional information storage and retrieval systems, communications, command-control systems, and radio-free channel sharing concepts must be adapted to police service.²

There are very few departments in this country that are headed by first rate managers and administrators, and where they exist, this has frequently been a matter of good fortune. Few cities, at least until recently, have realized that running a large police department requires top executive ability. The custom has been to appoint to top executive positions men who showed great ability as detectives or had other police skills. Most corporate enterprises realized many years ago that top salesmen or top production men were not necessarily qualified to be top executives. Similar realization has come late to the police departments of America.

It has not come at all to our city administration and our police department. Perhaps that is the most critical but nevertheless most constructive comment that this Committee can make.

The result is that although there are many conscientious and capable officers in the department, they have not been given sufficient

²
Task Force Report: The Police, p. 44.

opportunities or encouragement for management training and professional career development and, therefore, they often lack the ability to perform competently the duties demanded of their positions.

Yet, the department's problems are not due to a lack of expert advice and analysis in the past. One of the most disquieting discoveries of the Committee has been that many areas in which improved practices are most clearly needed have been the subject of numerous prior authoritative studies which have often reached conclusions and recommendations similar to ours. But the reports and the recommendations have invariably gathered dust on the shelves of the police department and the Commission, and City Hall.

D. The Response of the Department

The purpose of this Report in pointing out many shortcomings of the department, is not to embarrass the men in the department, or the present or past leadership, but to induce change.

Because the City resists change, and because numerous reports and recommendations by this Committee and others have resulted in little or no action to improve our jails, our probation system, our police department, and other agencies, it is not enough merely to recommend

change, it is necessary to point out the weaknesses in the present system to show why change is necessary.

Because the police have been subjected to much unwarranted attack, constructive comment even from the most supportive sources is often looked upon with suspicion as still another attack on law enforcement. Many citizens, ignorant of how their police department is operating, also have the same antagonistic reaction to criticism of the police.

We hope that our Report does not encounter that type of reaction. Most of the recommendations made in this Report are endorsed not only by leading law enforcement officials and police experts, but also by a great many men in the department, both older and younger, who know its weaknesses and want to make San Francisco a safer and better community. Fear of repercussions from both within and without the department has usually restrained them from publicly voicing critical views. These officers have said that they are looking to us to speak for them, because their fear of the politics that have traditionally characterized the department has deterred them from speaking for themselves. To a great extent this Report has been written by them as well as for them and the general community.

Some people see a chance to make easy political hay out of defending the police from any criticism by calling it an "anti-law enforcement" attack. These people are unaware, that the best and most progressive police administrators in the country are among the greatest critics of police work and of their own departments. The Task Force Report and the nationally recognized handbook, Municipal Police Administration both of which were written almost exclusively by police officers are evidence of that.

The Committee is aware of the difficulty of the policeman's work, and the problems which all departments are facing nationally. The principal aim of this study, therefore, has been to seek recommendations which will assist the police department in performing its difficult tasks, and thereby aid in controlling crime in the city.

This Report of the San Francisco Committee on Crime, however critical it may be of the Police Department of this city, attempts no comparison of our department with police departments outside of California. Numerous studies, reports and texts on the police as well as our conversations with leading police administrators reveal that on the whole the police in California are well above the average of the nation. They also indicate that the San Francisco Police Department is probably as good as the departments of many of the

large cities outside this State, although that statement is not necessarily complimentary. Our effort has been to judge the police department of our city by the higher standards prevailing in California. On that standard of appraisal, it does not fare well. It is true that one can point to many individual cases and to episodes of crowd and riot control that were well handled by our police, and credit is due to the department for that.

We have often been asked during the course of our work whether the San Francisco Police Department is not doing as well as those of other cities in coping with its problems. But the question misses the purpose of our work. Should we be satisfied if our Police Department is as good as that of most other departments? Should not our goal be to make the San Francisco Police Department one of the best and most progressive departments in the country? We think the answer is clear. The problems of urban living today require not a police force that is doing as well as most, but one that is doing at least as well as the best.

We offer the following critique in the hope of making the San Francisco Police Department an enviable and progressive model of what police should be in the eighth decade of the Twentieth Century.

PROFILE

San Francisco Population

	<u>1960 Census</u>	<u>1970 Census</u>
	740, 316	715,674
Land Area	41.8 square miles	

POLICE DEPARTMENT

BUDGET

<u>1969-70</u>	<u>1970-71</u>	<u>1971-72</u>
\$25,574,322.	\$31,022,078.	\$44,720,090. ¹

PERSONNEL²

<u>All Departments</u>	<u>1959</u>	<u>1964</u>	<u>1969</u>
Sworn	1709	1717	1747
Civilian	112	246	422
Total	1821	1963	2169
<u>Patrol Personnel</u>			
Sworn	936	1003	868
Civilian	12	50	64
Crime Prevention Unit			96
Total	948	1053	1028
<u>Bureau of Inspectors Personnel</u>			
Sworn	188	161	193
Civilian	28	23	28
Total	216	184	221

1

For the first time, the 1971-72 police budget includes retirement benefits and social security payments which were previously carried in a different account. This has resulted in adding \$9,156,942 to the police budget. The actual operating budget, comparable with other years, is \$35,563,148.

2

Annual Report, San Francisco Police Department, 1959, 1964, 1969 (5 year intervals). The 1969 Report is the most recent available.

OFFENSES & ARRESTS³

	<u>1959</u>	<u>1964</u>	<u>1969</u>
Total Offenses ⁴	42,962	75,258	110,869
Actual Part I Offenses ⁵	26,360	55,232	83,481
Total Arrests ⁶	51,456	56,731	59,104
Arrests by Bureau of Inspectors ⁶	4,273 (Incl. 1266 Part I Off.)	4,315	2,638 (Incl. 634 Part I Off.)
Patrol Arrests ⁷	38,482	43,414	48,562

³ Annual Report, San Francisco Police Department, 1959, 1964, 1969 (5 year intervals).

⁴ In Annual Reports of the Department "Total Offenses" apparently do not include drunkenness, although drunk arrests are included in their totals of persons arrested. Thus, the number of arrests exceeds the number of offenses for 1959. The "Total Arrests" column includes the following drunk and disorderly conduct arrests:

	<u>1959</u>	<u>1964</u>	<u>1969</u>
Drunk Arrests	27,226	24,413	16,660
Disorderly Conduct	1,758	4,097	8,026

⁵ The San Francisco Police Department includes the following crimes under "Part I Offenses" (From Annual Report, 1969, San Francisco Police Department, p. 46-47)

- 1) Murder and non-negligent manslaughter
- 2) Manslaughter by negligence
- 3) Forcible rape, excluding statutory rape
- 4) Robbery
- 5) Aggravated assaults, including simple assaults
- 6) Burglary
- 7) Larceny \$50 and over, including grand theft
- 8) Larceny under \$50, including petty theft
- 9) Auto theft

The FBI groups seven major crimes in a separate category sometimes referred to as "Part I Offenses." The FBI also refers to this category as "Crime Index Offenses," while the California Bureau of Criminal Statistics terms it "Part I Offenses" or "Seven Major Offenses." The San Francisco Police Department in its 1969 Report uses the title "Part I Offenses" for all the above listed offenses. Actually, only 1, 3, 4, 5, 6, 7 and 9 are major crime categories as used by B.C.S. and the FBI. Because the three agencies do not always use the same definitions for the crimes included in their major crime categories, comparisons often cannot be made.

Footnotes to Offenses & Arrests- cont.

⁶This figure is the total number of persons arrested and detained. Presumably then, it includes persons who were detained and released without any formal complaint being filed against them, but not formally booked. In 1969, of 12,900 persons arrested by the San Francisco Police Department on suspicion of a felony, 4,740 or 36.7% were subsequently released without being charged with any crime (Bureau of Criminal Statistics, Reference Tables, Crimes and Arrests 1969, Table III, page 32).

⁷"Patrol Arrests" include only arrests made in the 9 District Stations. The 1969 figure also includes those arrests made by Headquarters Company (which includes the Crime Prevention Unit). In 1969, the 9 stations made 40,344 arrests, Headquarters Company made 7,318 arrests.

MINORITY MEMBERSHIP⁸

	<u>White</u>	<u>Spanish</u>	<u>Black</u>	<u>Oriental</u>	<u>Filip.</u>	<u>Indian</u>	<u>Other</u>
Sworn #	1603	48	85	5	6	2	1
" %	91.6	2.7	4.9	.3	.3	.1	
All Dept. #	1769	59	106	19	9	2	2
" %	90.0	3.0	5.4	1.0	.5	.1	.1
City Pop.							
1960 Census %	81.6		10.0	6.2	1.7	.1	.3
1970 Census % (only figures available)	71.4		13.4	All other	15.1		

⁸ Racial and Ethnic Employment Pattern Survey, Human Rights Commission of San Francisco, 1969. The Committee was unable to locate any racial and ethnic breakdowns of city population made or used by city agencies, which indicate Spanish surname percentages or which show the recent percentages for Chinese, Japanese, Filipino, Indian or Other categories.

FELONY CRIMES REPORTED⁹
(Rate per 100,000 population)

<u>County</u>	<u>Crimes of Personal Violence</u>	<u>Property Crimes</u>	<u>All Felonies</u>
San Francisco (highest in State in all 3 categories)	1444.6	5383.9	6828.5
Alameda	576.4	3861.1	4437.5
Los Angeles	692.2	3088.2	3780.4
San Diego	189.5	1370.1	1559.6
San Mateo	218.0	2372.8	2590.8
Santa Clara	197.7	1973.3	2170.9
Total State	447.5	2586.5	3034.0
National Total ¹⁰	324.4	2146.7 ¹¹	2471.1

⁹ Crime and Delinquency in California, State of California: Bureau of Criminal Statistics, 1969, p. 54. Some of the dangers in drawing conclusions from figures like these are indicated in Appendix I, a letter from the Chief of the Bureau of Criminal Statistics to the Oakland Chief of Police.

¹⁰ Uniform Crime Reports 1969, F.B.I., p. 56.

¹¹ The national property crime figure includes larcenies of \$50 or more while the California figures include only those of \$200 or above. Thus, if the State and San Francisco had used the lower FBI criterion, their rates would be even higher.

THOMAS C. LYNCH
ATTORNEY GENERAL

STATE OF CALIFORNIA

O. J. HAWKINS
DEPUTY DIRECTOR

CHARLES A. O'BRIEN
DEPUTY ATTORNEY GENERAL



RONALD H. BEATTIE
CHIEF OF BUREAU

BUREAU OF CRIMINAL STATISTICS

Department of Justice

3301 C STREET

November 20, 1970

MAIL ADDRESS:
P. O. Box 1583
SACRAMENTO 95807

Charles R. Gain
Chief of Police
455 Seventh Street
Oakland, California 94607

Attention: Captain Palmer Stinson

Dear Chief Gain:

My attention has been called to a recent article in the U.S. News and World report which displayed a ranking of cities on the rate of serious crime in which, among the 58 cities listed, Oakland and Washington D.C. headed the list with the highest crime rates while Jersey City and Philadelphia were at the low end of the scale.

In fairness to Oakland and other California cities, I would like to point out that there is simply no sound basis for making this kind of comparison of cities in the United States of the crime rates shown in the UCR publication.

1. There is no standard followed by cities as to what is counted in their major crime reports and what is not counted. It is very obvious that what is counted in Philadelphia is much more limited than what is counted in Oakland and San Francisco. It should be obvious that the same must be said in comparing the adjoining cities of Newark and Jersey City.
2. In general, it can be said that the more sophisticated and better organized police departments will always show higher crime rates because they keep better records and do a more thorough job of classifying and reporting crime.
3. California cities for the most part will always show higher crime rates than most others even when the reporting is of the same quality due to the fact that the burglary statutes in California encompass a broader accountability than do the statutes in the other states. Consequently, California cities show much higher burglary rates. In California, entering with intent is classified as burglary; in most other states there must be a breaking and entering.
4. Different cities are bound to have differential crime rates due to the varying makeup of the population between cities as to racial characteristics, whether or not they are densely populated, are industrial areas and many other reasons. Because of the makeup of such cities, we are bound to expect that Oakland and Washington D.C. would show much higher

Chief Gain

2

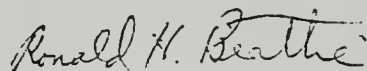
November 20, 1970

5. Another factor that distorts the cities' rates is the matter of whether the city boundaries include the whole community or merely tend to incorporate the business and industrial center with a substantial part of the bedroom area lying outside of the city limits. Obviously, the former type of city would show higher crime rates per population than a city that incorporates the entire community.
6. Even within the states, the variation from city to city on crime rates suggests there is widespread variation in crime reporting--in contrast, the rates of Cleveland and Cincinnati in Ohio, and San Diego and San Jose in California, as compared to the other California cities.
7. The measure of crime limited to the seven Part I offense groups is only a part of the picture. Felony arrest rates or felony complaint rates are probably a more consistent measure of serious crime.
8. Considering these elements and there are many more that could be cited as accounting for differences, there is simply no basis to accept the rates published in this article as a reliable indication of crime rates in the cities or to conclude that Oakland in any sense has six times the crime rate of a city like Philadelphia.

I am sure that from the standpoint of crime, Oakland is as safe if not a safer place to live in than Philadelphia today.

In the criminal statistics field we are concerned with developing better measures of crime and avoiding such unfair comparisons as were made in this article. Our own experience over the past 20 years has confirmed the conclusion that the Oakland Police Department has been one of the more outstanding departments in the State of California and that on the whole the law enforcement work of our California departments is carried on at a higher level of efficiency and effectiveness than in most other states.

Sincerely,



Ronald H. Beattie
Chief of Bureau

RHB:jdm

I. HOW SAN FRANCISCO'S POLICE DEPARTMENT MEASURES UP WHERE IT
COUNTS: -- PATROLLING THE STREETS

Much can be written about police work and the police department -- and much will be. But the core question is plain enough: How well do the police do the work for which they exist -- to control crime?

Most police analysts regard patrolling as the most effective crime prevention technique. The Task Force Report states:

The heart of the police effort against crime is patrol -- moving on foot or by vehicle around an assigned area, stopping to check buildings, to survey possible incidents, to question suspicious persons, or simply to converse with residents who may provide intelligence as to occurrences in the neighborhood.

The object of patrol is to disperse policemen in a way that will eliminate or reduce the opportunity for misconduct and to increase the likelihood that a criminal will be apprehended while he is committing a crime or immediately thereafter. The strong likelihood of apprehension will presumably have a strong deterrent effect on potential criminals. The fact of apprehension can lead to the rehabilitation of a criminal, or at least to his removal¹ for a time from the opportunity to break the law.

¹ Task Force Report: The Police, p. 1.

But the San Francisco Police Department provides substantially less patrol coverage than most other large cities, despite the fact that it has more police per square mile and more police per thousand population and spends more money per capita than most other large cities!

Many San Franciscans are aware of this lack of patrol coverage. A recurring complaint made to the Crime Committee by citizens from all parts of the city is that police response to a call for service is exasperatingly slow. Department personnel realize this and explain that because of the tremendous number of calls for police service, patrol officers in San Francisco cannot respond rapidly. Citizens are turned off by being asked about the nature of their request for service, and, if not a situation that requires immediate attention, they are often asked to call back the following day, or told that an officer will call the next day. There are so many calls for service that patrolmen spend almost all of their time answering calls. This leaves little time for patrolling.

The obvious question, in this situation, is whether the inadequacy of San Francisco's patrol coverage is the result of a shortage of manpower. The answer is "no."

Unquestionably, if San Francisco had more officers who were assigned to patrol duty, patrol coverage would be better. But it

also appears that:

(1) Compared with other cities not enough of our force is assigned to patrol, and

(2) Although in the ten years from 1959 to 1969 the number of total personnel increased by 348 (from 1821 to 2169), comprising 38 additional officers and 310 civilians, the number of officers assigned to the district stations² decreased by 68.

The number of men assigned to patrol has not kept pace with the vast increase in total offenses during these ten years.

Perhaps all police departments, particularly those in large cities, are undermanned, but on the basis of available figures San Francisco has as many officers for its size and population as most other major cities. In 1970, the San Francisco Police Department had 1773 sworn personnel, and 2.59 authorized officers per 1,000 population.³

² If the 96 officers assigned to the Crime Prevention Unit are considered as patrol personnel, this gives a slight increase of 28 men on patrol duty since 1959.

³ Kansas City Study, 1970.

Taking San Francisco's land area as 41.8 square miles, there⁴ were 42.4 officers per square mile.

Those figures contrast rather markedly with those in other California cities of comparable size. This data is summarized in Table I.

5
TABLE I

	San Francisco	Oakland	Long Beach	San Diego
Authorized Police per 1,000 population	2.59	2.03	1.79	1.31
Actual Police Dept. Employees per 1,000 population	3.20	2.66	2.21	1.60
Actual Police per square mile	42.4 ⁶	9.02	14.35	2.44
Per capita budget costs for police ^{6a}	\$36.39	\$47.65	\$29.48	\$19.40

⁴The San Francisco Police Department reported to the 1970 Kansas City Study that it had 13.7 officers per square mile based on a figure of 129.30 square miles are policed. This figure, however, used Alcatraz Island as the boundary of the city and therefore included part of the bay. The actual land area of the city is 41.8 square miles. In his report to the Mayor on the police department, Chief Cahill uses the figure of 42 square miles, p. 4. In 1971, the force consisted of 1856 sworn personnel, or 44.4 officers per square mile.

⁵Kansas City Study, 1970.

⁶Corrected for actual city land area.

^{6a}These figures are not necessarily comparable. Some departments (like Oakland) included retirement costs in their budgets, others (like San Francisco) did not. If San Francisco's Police budget for 1971-1972 included retirement and social security costs the per capita cost would be \$62.54.

Thus San Francisco has more officers, more police personnel per capita, and more police officers per square mile, than Oakland, Long Beach or San Diego. The ratio of 3.20 police employees for every 1,000 of population in San Francisco compares with an average of only 2.69 per 1,000 population in the 37 American cities with population of 300,000 to 1 million that responded to the 1970 Kansas City Study.

The F.B.I. Annual Report of 1969 shows that of the 56 cities in the United States with a population over 250,000, the average number of police officers per 1,000 inhabitants is 2.6 (S.F. = 2.59), the average number of police employees including civilians is 3.1 (S.F. = 3.20).⁷

In giving these statistics, we are not unmindful of what we shall note in this and have noted in every other study we have made to date, that figures are often misleading and not wholly accurate, and that comparisons are not necessarily appropriate. As the F.B.I. Report states:

Caution should be exercised, however, in using rates for comparative purposes since there is a wide variation in the responsibilities of

⁷
Uniform Crime Reports, F.B.I., 1969, pp. 148-149.

various law enforcement agencies around the country. Just as the conditions which affect the amount and type of crime that occurs from place to place vary, so do the requirements for types of police services vary based upon ⁸ the conditions which exist in a given community.

Thus the foregoing chart which shows comparisons with other large California cities does not tell the whole story. While the latest census gives the population of San Francisco as 716,000, it has a daytime population estimated in the neighborhood of one million people because of the influx of tourists and commuters to the city. Also, according to the F.B.I. reports, there is a great difference in the crime index of these California cities. The crime index ⁹ of this report shows the following number of crimes in 1969:

San Francisco	53,781
Oakland	30,900
Long Beach	14,767
San Diego	19,498

⁸
Ibid, p. 42.

⁹
The index is based on the following offenses: Murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny of over \$50 and auto theft. According to the 1969 Annual Report of the San Francisco Police Department, the actual number of these offenses totalled 57,874. The true number would be even higher, as the policy of the department that year was to reduce the reported value of property stolen. In the early part of 1969 stolen property was reported at only 10% of its claimed value; later, the department reported it at 50% of claimed value.

More important than the number of men in the department is how they are being utilized. Comparison with other cities suggests deficiencies in San Francisco's patrol coverage. The Crime Committee staff made a detailed analysis of radio car coverage in San Francisco during the month of August 1969. In that month, there was an average of 36.1 radio cars in operation during each day shift, 37.5 radio cars each evening shift, and 33.2 radio cars each early morning shift. This data is compared with Oakland, Long Beach and San Diego in Table II.

Thus Oakland, with substantially less than half the patrolmen, operated nearly the same number of radio cars as San Francisco. San Diego with only slightly more than half the number of patrolmen operated substantially more radio cars than did San Francisco.

Number of Sworn Personnel Assigned to Patrol

The Crime Committee staff conducted a survey of the actual deployment of all patrol personnel on December 10, 1969. The results of this study are set forth in Table III.

On December 10, 1969, 965 out of the total of 1747 sworn personnel or 55.1%, were assigned to the Patrol Bureau and the Crime Prevention Unit. This percentage is within the range generally observed in other police departments but it is a smaller proportion

TABLE II

RADIO CARS BY SHIFT AND TYPE

	No. of Patrolmen	Day (8 a.m. to 4 p.m.)	Evening (4 p.m. to Midnight)	Early Morning (Midnight to 8 a.m.)
<u>San Francisco</u>	1,304			
Actual*		36.1	37.5	33.2
Reported**		49	60	60
		2-man cars	2-man cars	2-man cars
<u>Oakland</u>	502			
Reported		34	34	34
		1	1	1
		1-man cars	1-man cars	1-man cars
		2-man car	2-man car	2-man car
<u>Long Beach</u>	457			
Reported		17	44	42
		1-man cars	2-man cars	2-man cars
<u>San Diego</u>	724			
		48	45	36
		1-man cars	1-man cars	1-man cars

* Actual figures are those from the Crime Committee staff survey of August 1969. Even if only reported figures are compared, San Francisco fields far fewer cars than these cities based on the number of patrolmen.

** Reported figures are those sent by the Police Department to the 1969 Kansas City Study. In the 1969 Annual Report of the S.F.P.D., only 1248 patrolmen are shown to be in the department.

*** Oakland overlaps five 1-man cars between the evening and early morning shifts.

**** San Diego has 40 1-man cars that overlap the evening and early morning shifts.

TABLE III

PATROL DEPLOYMENT
December 10, 1969

UNIT	1	2	3	4		5	
	Assigned	Detailed	Absent	Regular Day	Patrol Evening	Duty Early Morning	Other Duty
Crime Prevention Unit	96	10	26	18 (0)*	38 (0)*	0	4
Park	100	4	27	18 (4)	15 (6)	14 (3)	22
Southern	83	7	20	13 (8)	15 (5)	8 (0)	20
Central	133	18	32	18 (10)	23 (9)	21 (8)	21
Potrero	91	8	23	16 (2)	13 (5)	10 (0)	21
Mission	106	8	32	14 (3)	20 (5)	13 (1)	19
Northern	107	12	30	11 (3)	22 (10)	9 (1)	23
Richmond	89	8	26	17 (4)	14 (5)	11 (2)	13
Ingleside	82	13	24	10 (1)	11 (2)	6 (1)	18
Taraval	78	8	17	14 (6)	14 (4)	10 (3)	15
TOTALS **	965	96	257	149 (41)	185 (51)	102 (19)	176

Source: Captain's Watch List

1. Includes all ranks.
2. "Detailed" -- assigned to other units for such tasks as: radio dispatchers, prison guards, hospital guards, etc. Such assignments may last for many months.
3. Regular days off, vaction, sick, suspended, etc.
4. Includes -- radio car sergeants, radio car officers; numbers in parenthesis are sergeants and patrolmen assigned to foot patrol.
5. Includes -- watch commanders, station keepers, captain's investigators 3-wheeler men, "11-cars," patrol van crews, mounted officers, tax collector's guard, treasurer's guard (4 men), stables (3 men), Stonestown (4 men).

* Dog Unit- 4 men (days), 3 men (evenings); TAC-14 men (days), 13 men (evenings); CPU-22 men 7 p.m. to 3 a.m.

** Total Field Force -- all ranks all shifts -- Foot and Radio Car 436. Total Radio Car - 325 all ranks all shifts; Foot Patrol 111 all ranks all shifts.

of the force than San Francisco once assigned to patrol (58% in 1964). In light of the present crime rate in San Francisco, it would seem that a higher percentage of department strength should be allocated to patrol.

From Table III, it appears that 96 officers, or ten percent of those assigned to patrol units, were "detailed" to other non-patrol functions, such as the city prison, Communications Bureau, and a variety of miscellaneous non-patrol duties. Such assignments may last for many months. On days when there are parades, athletic events or other such activities, the number of men detailed to such functions may be considerably higher.

The reduction of the patrol force by detailing its officers to perform non-patrol duties is a common but fundamental error in police administration. A study cited in the Task Force Report on the Police stated that "one of the important consequences of poor organization and management is the diversion of Police personnel to specialized or administrative assignments, thus unduly curtailing the number of men available for the street operations of the Patrol Division."¹⁰ Reducing the size of the patrol force may permit an increase in the amount of crime, and thus increase the burden on the entire police department.

¹⁰Task Force Report: The Police, p. 45.

The stronger the patrol force, the lower the workload should be for specialized units. Reciprocally, whenever specialized activities are strengthened at the expense of patrol operations, the workload of all units increases since the primary objective of the patrol force is to prevent the occurrence of events that must be referred elsewhere for solution if the preventive measures fail.¹¹

Thus providing patrol units with sufficient personnel should be regarded as a matter of top priority. Rather than stripping patrol to fill vacancies in support units, the opposite practice should be followed until the patrol force is large enough to provide adequate coverage for the entire city.

It has been said that since Chief Nelder took over the department, an increased emphasis has been placed on putting more officers in the street. To ascertain the present actual strength of the patrol force would require still another personnel count, as the Committee would not be content with general assurances. If there are now more officers in the streets, so much the better. But whether there are or not, the inadequacies of patrolling discussed above point to the basic flaw in the San Francisco Police Department -- poor administration of long and stubborn standing -- from which a variety of deficiencies spring. To these basic flaws we now turn. In a later chapter of this Report we discuss the subject of patrolling in further detail and

¹¹Washington Survey, p. 171.

there review the questions of number of district stations, two man vs. one man patrol cars, foot patrolmen, lack of deployment formula, and numerous other matters.

II. ORGANIZATION

Studies of the San Francisco Police Department done in 1937,¹ 1957² and 1961³ as well as reports on the department made by former Chiefs Ahern⁴ in 1957 and Cahill in 1968,⁵ all recommended reorganization of the department.⁶ Though there were many differences between the organizational structures suggested in the reports, all were agreed upon the need for large scale reorganization. For the most part, these studies, as well as the organizational and management expertise available from academic and police administration sources, have been ignored.

Therefore, the Committee on Crime sees no point in proposing still another reorganization plan.

¹ Bruce Smith, Sr.

² Bruce Smith Report.

³ Mayor's Budget Task Force.

⁴ Ahern Report.

⁵ Cahill Report. Chief Cahill emphasized that reorganization was desired and supported by the "entire department, its officers, its specialists, and the entire patrol force." p. 82.

⁶ See charts at end of Chapter.

The Committee is aware of many problems which could be resolved by restructuring the organization of the department. Among them are:

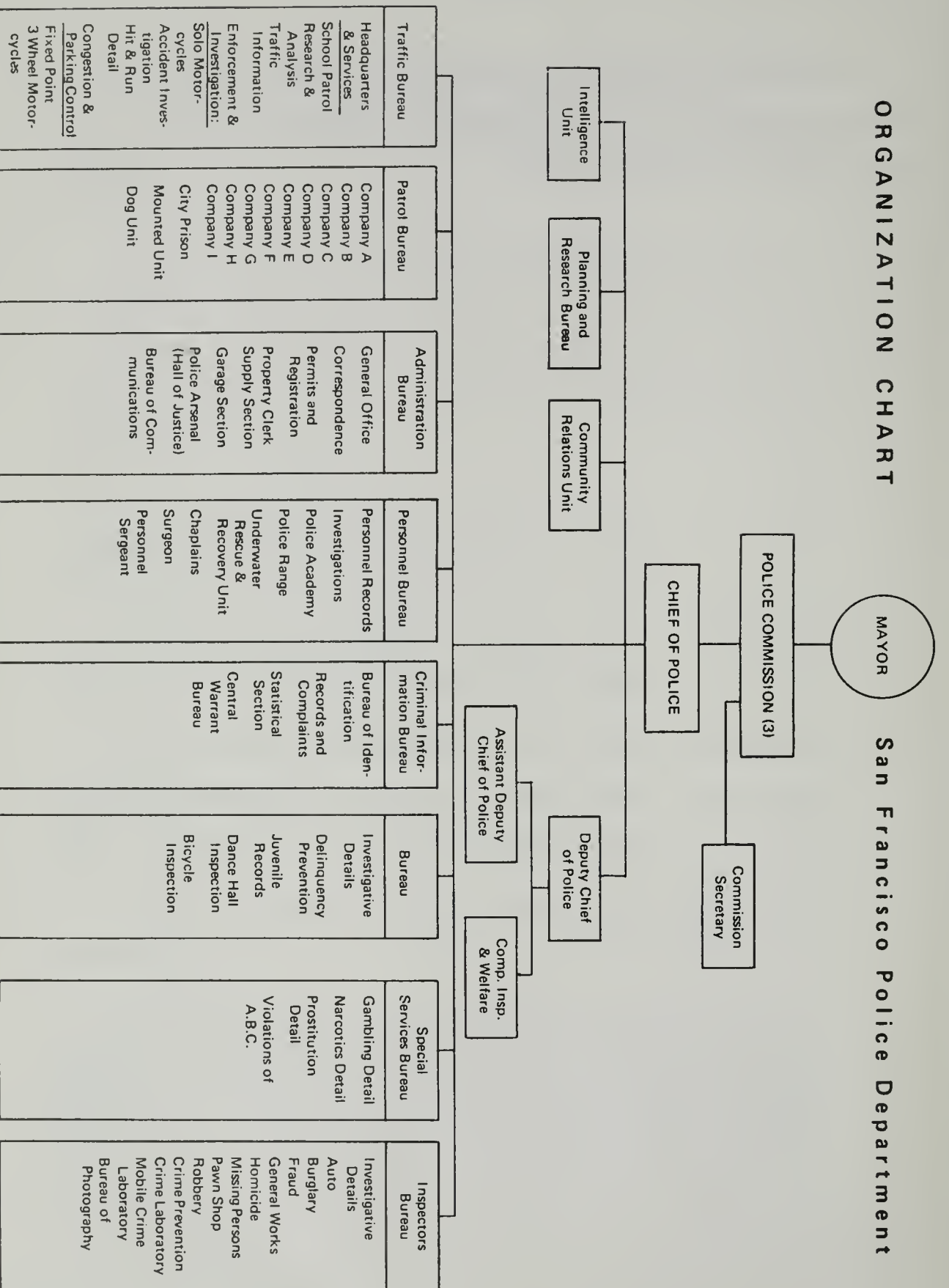
1. The excessive number of high ranking officers reporting directly to the Chief, thereby involving him in low priority duties and diverting his attentions from high priority matters. The Chief should be regularly reported to by from five to seven top supervisors instead of twelve or more.
2. An uncertainty, which pervades the department, as to the responsibilities of supervisory officers at all levels.
3. The absence of a command structure which provides important, high level command decisions at night and on weekends.
4. The absence of communication and coordination between units, and between bureaus in the department, which results in much wasted effort, duplication, and less effective police work.
5. Lines of authority throughout the department are unclear or undefined.

While reorganization alone cannot entirely solve all of these problems, it can provide a structure within which improvement could take place -- something which the current organizational plan found

in the Rules and Procedures of the department, cannot now do. The Organizational Chart of the department which appears on the next page, shows the current structure.

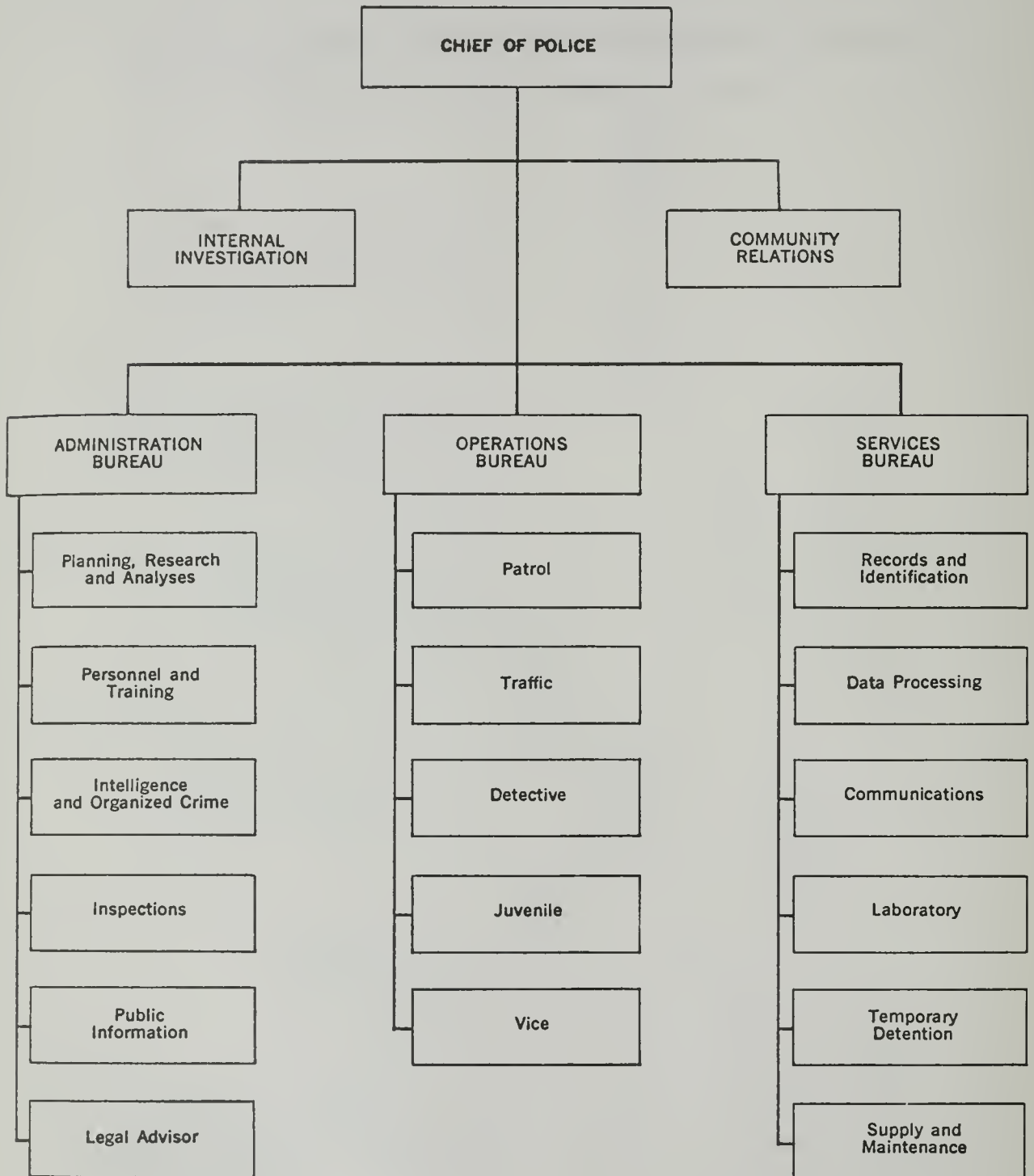
ORGANIZATION CHART

San Francisco Police Department



Both the Task Force on the Police of the President's Commission on Law Enforcement and Administration of Justice, and the authoritative Municipal Police Administration, contain suggested organizational plans which might be suitable for use in San Francisco.

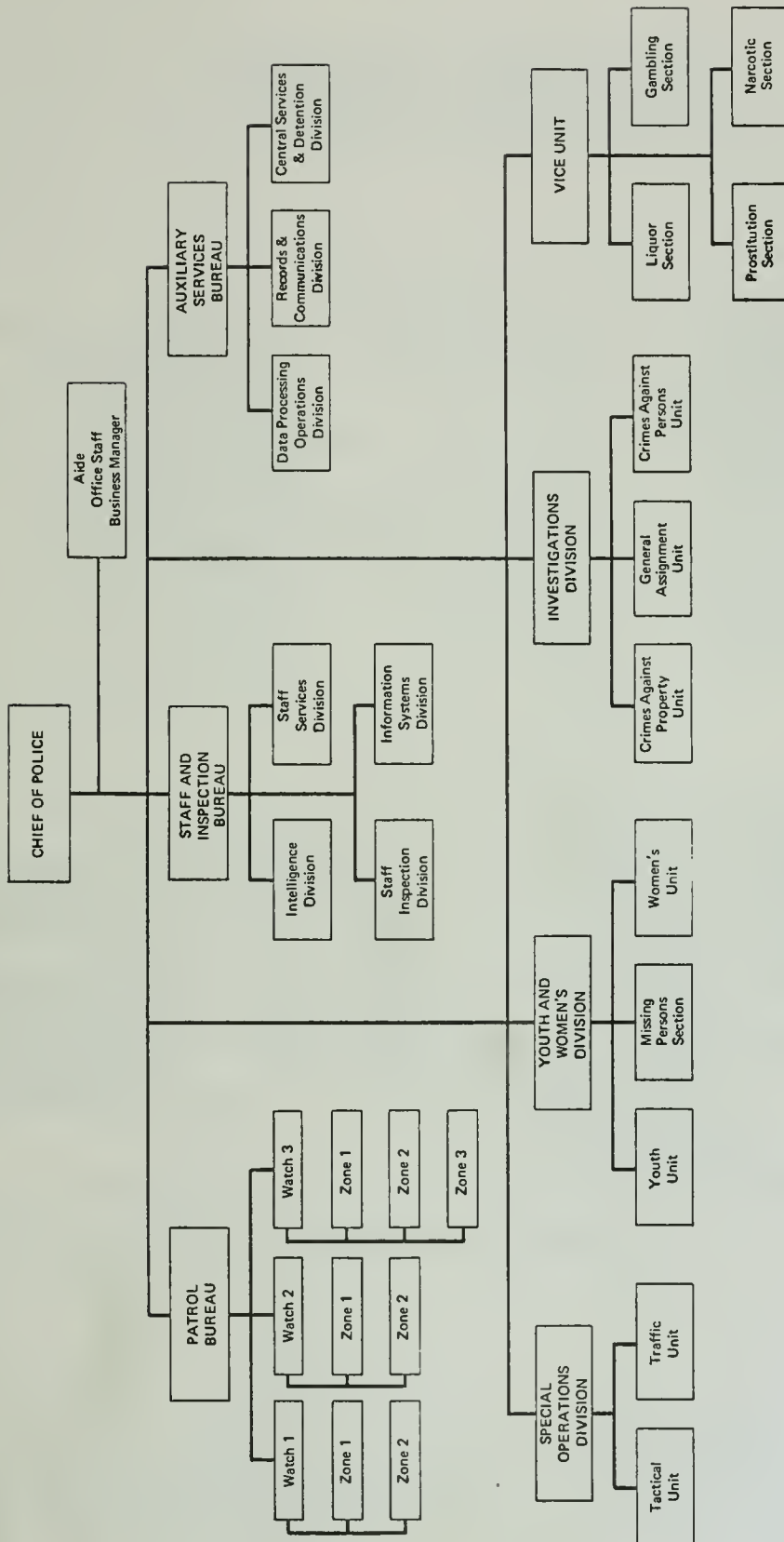
ORGANIZATIONAL PLAN SUGGESTED BY
THE TASK FORCE ON THE POLICE ⁷



⁷ Task Force: The Police, p. 47.

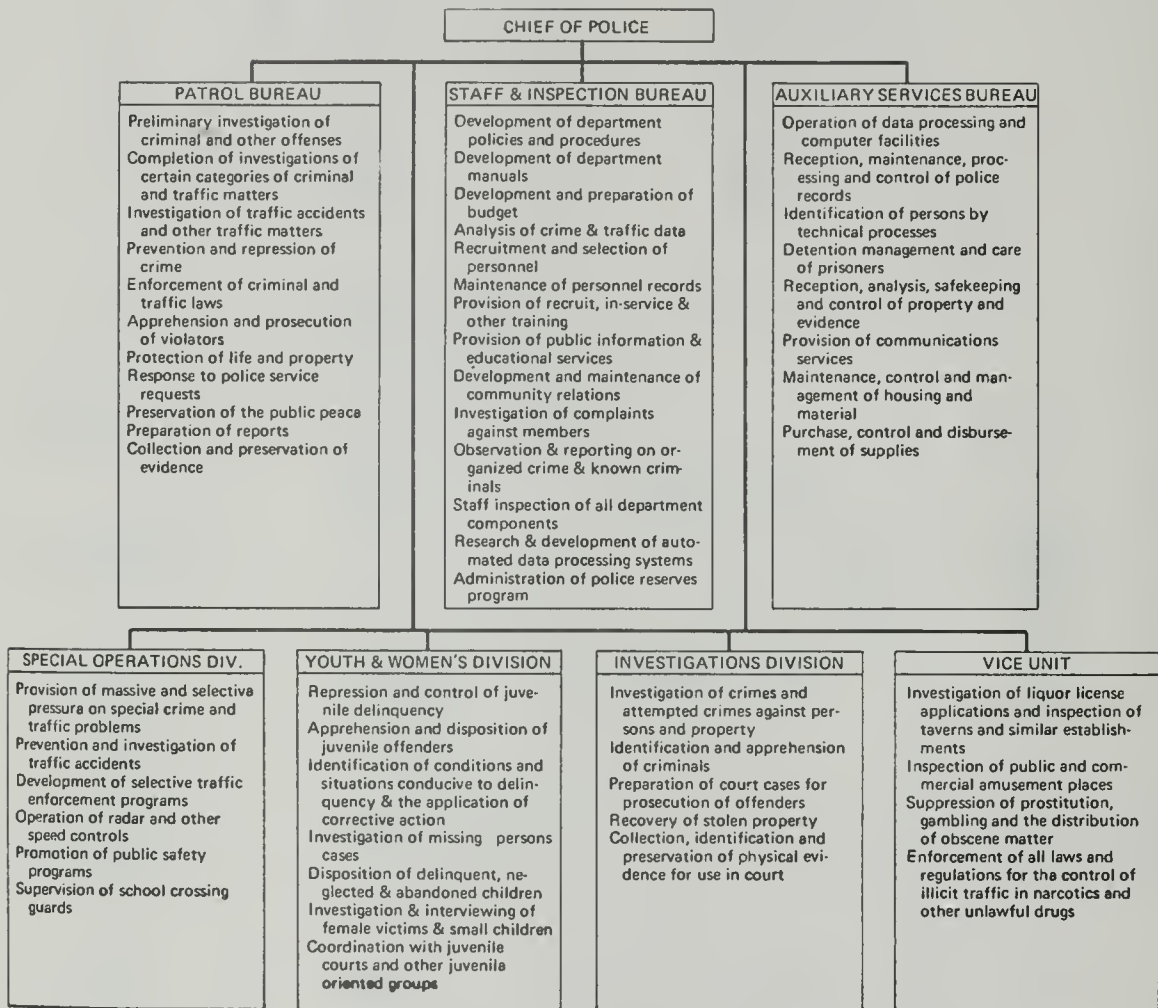
ORGANIZATIONAL PLAN AND FUNCTIONAL STRUCTURE⁸
 SUGGESTED BY MUNICIPAL POLICE ADMINISTRATION

- 34 -



⁸ MPA, pp. 34-35.

**MUNICIPAL POLICE ADMINISTRATION
DETAILED BREAKDOWN OF THE MAJOR UNITS
SHOWN ON PRECEDING CHART**



These are only suggested plans. What is needed most is a willingness to change. The City Charter is not a complete bar to reorganization, although it does have some restrictive features.⁹ The organization plan currently in use is established by the department's Rules and Procedures and they can be changed by the Commission. If a new plan is developed which requires amending the Charter, then the Charter should be amended so as to set no restrictions on the organization of the department and give the Police Commission flexibility in making whatever future changes are appropriate.

The Committee recommends:

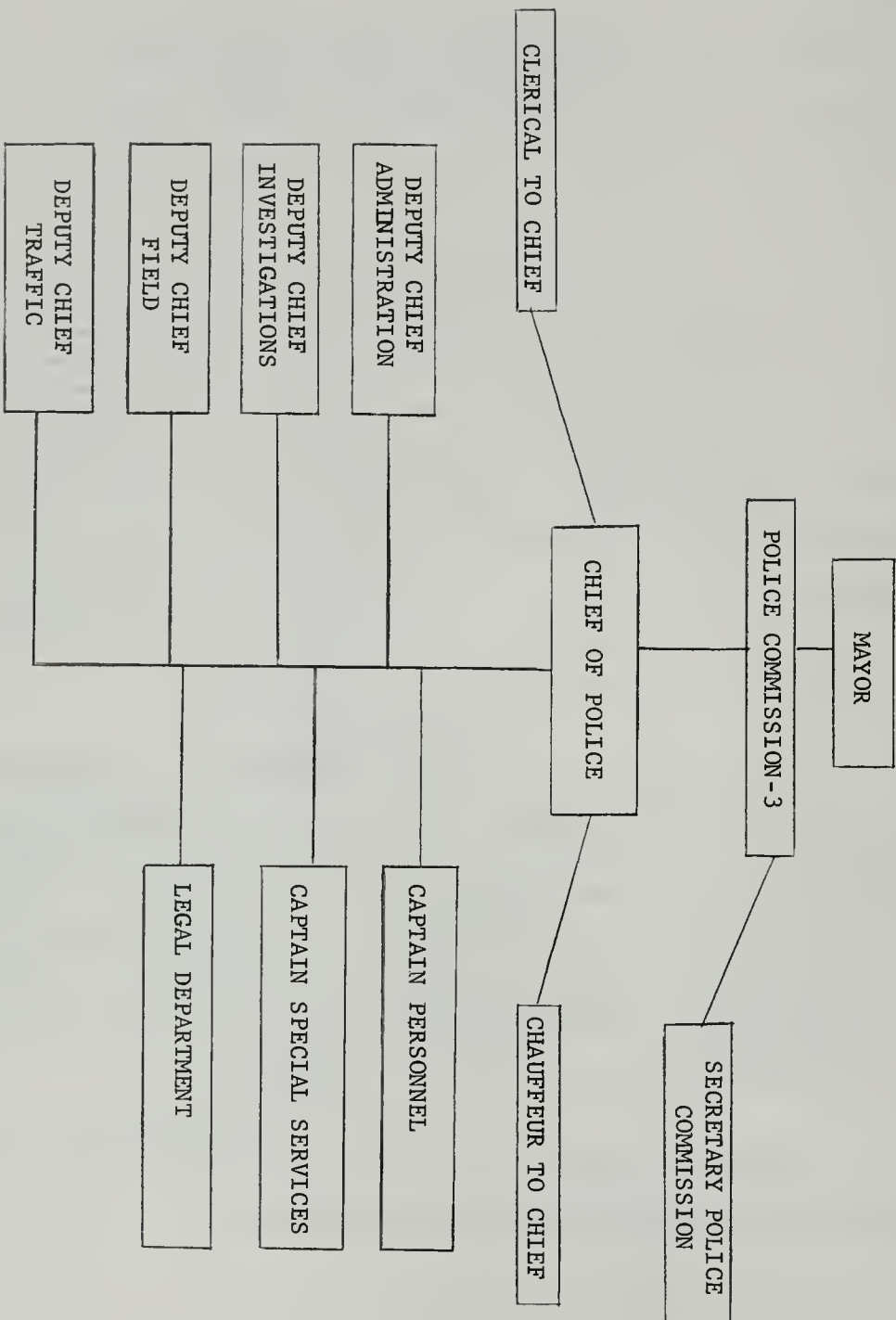
(1) That the San Francisco Police Department be reorganized.

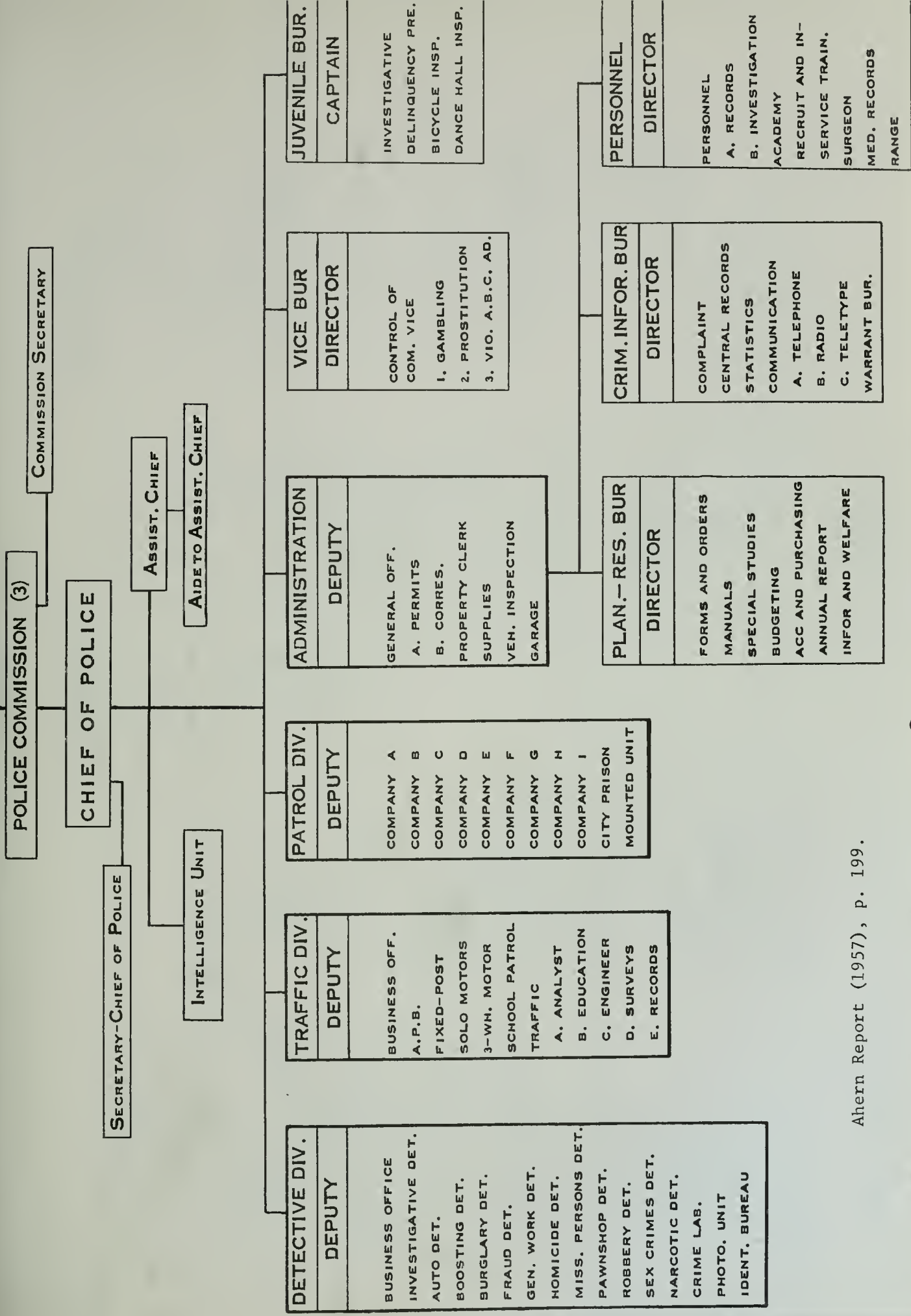
Reorganization should include: reducing the number of officers reporting to the Chief to a maximum of seven; specifying the responsibilities of supervisory officers at all levels; establishing a night and weekend command structure; and setting guidelines for communications and coordination between all units and bureaus.

(2) That the City Charter give complete discretion for organization of the department to the Police Commission.

⁹ The Cahill Report, p. 124 and the Bruce Smith Report, pp. 21-22, both recommend that the City Charter be amended wherever necessary to assist reorganization of the department.

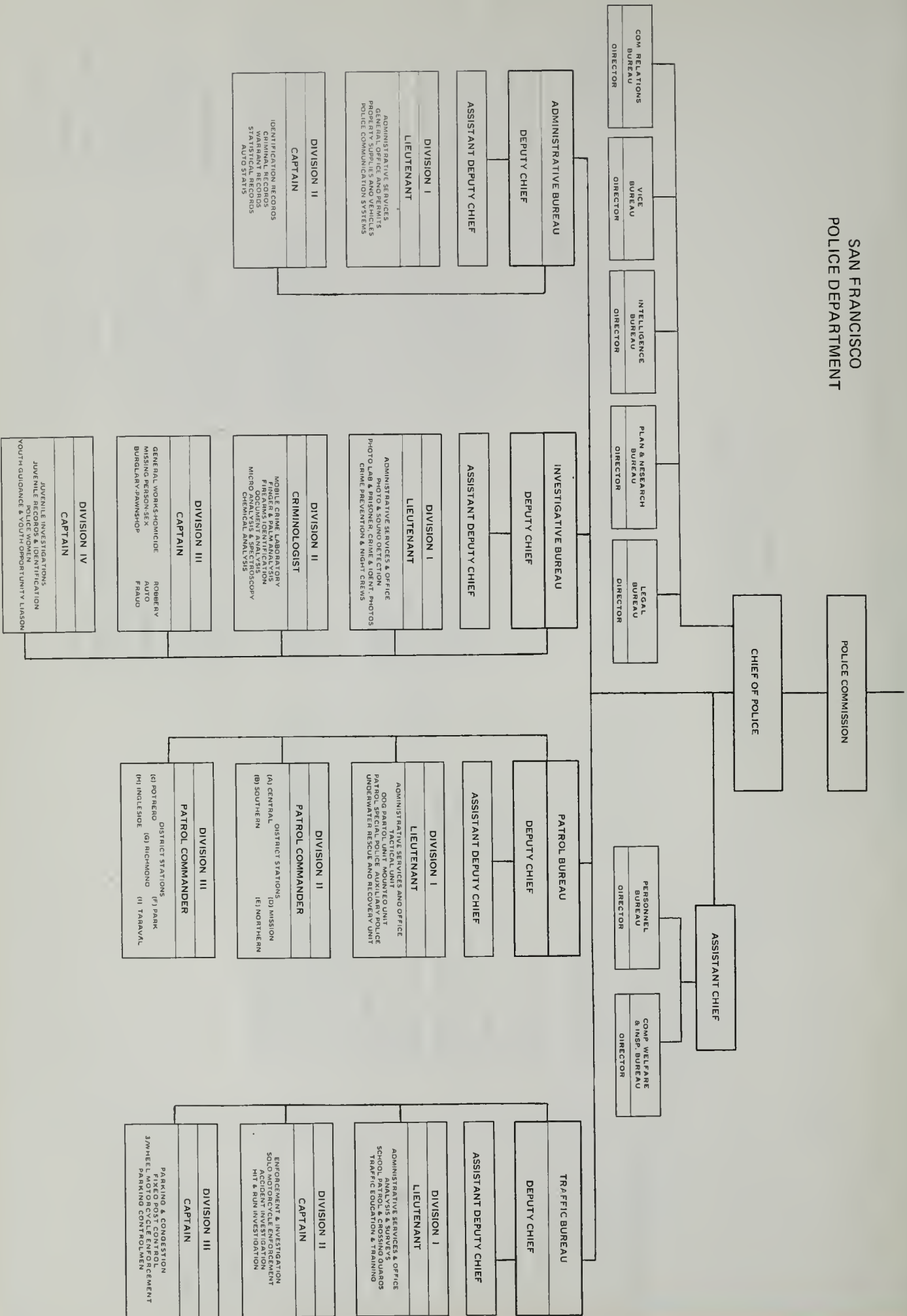
SAN FRANCISCO POLICE DEPARTMENT
LINES OF AUTHORITY

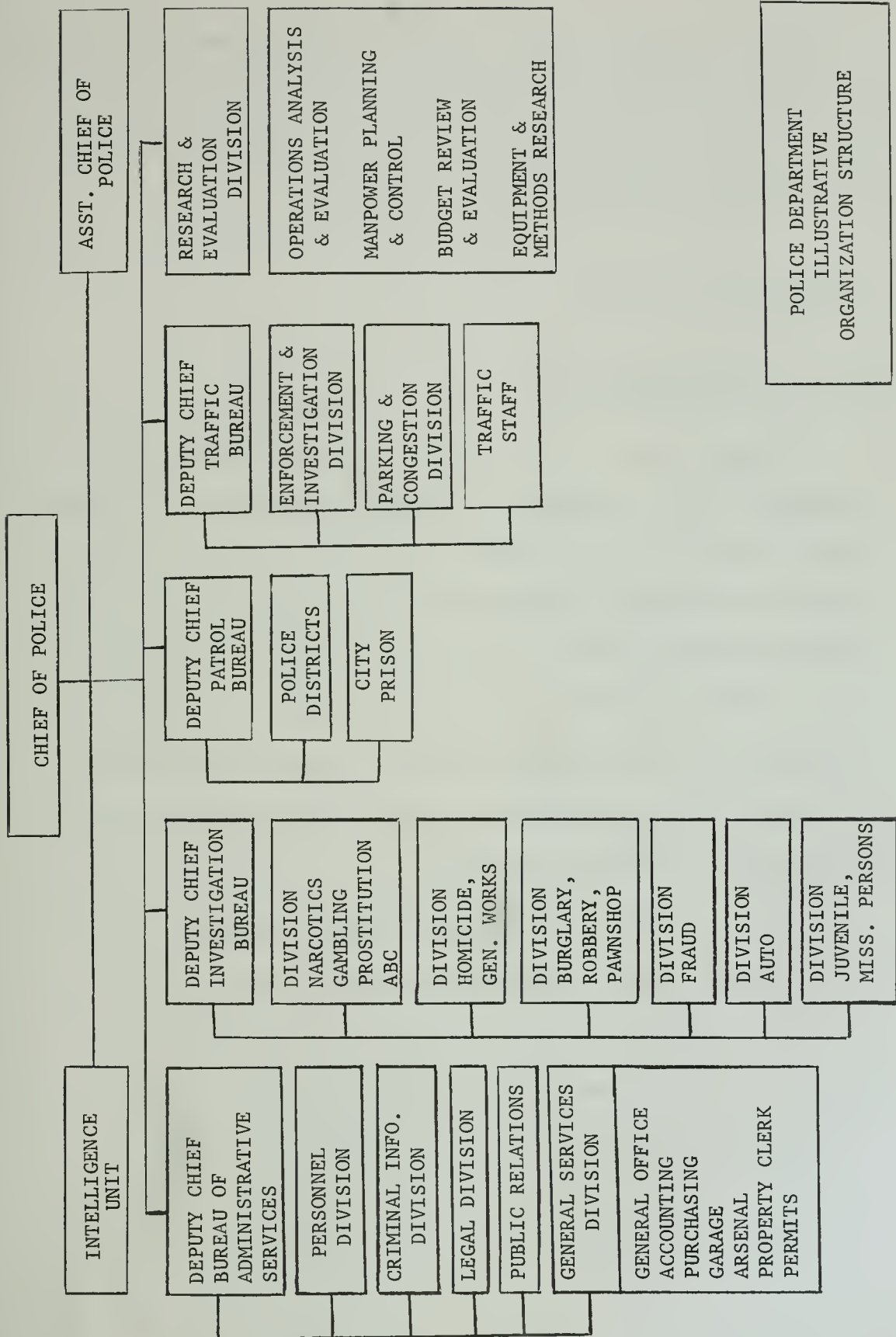




MAYOR

SAN FRANCISCO
POLICE DEPARTMENT





III. POLICY FORMATION

Police department policy is made by the Police Commission and the Chief. The Commission is composed of three civilians appointed by the Mayor for four year terms; the Chief has always been selected from among the sworn officers in the department.

A. The Police Commission

1. Policy Making Roles

The Charter states that the department "shall be under the management of a police commission."¹ The Commissioners hold public meetings once a week to hear disciplinary cases, citizen complaints about police practices, requests for street and traffic sign changes, and department policy proposals. The Commissioners are laymen who have full time occupations outside the department. A uniformed secretary who is little more than an administrative conduit between the department and the Commission,² and two typist-receptionists are the only staff the Commission employs.

We presume the intent of the Charter was to place the police department under a commission appointed by the Mayor for basically

¹City Charter, Sec. 35.

²See Rules and Procedures, Sec. 3.347 - 3.357.

the same reasons that the military forces of a country are under civilian, not military direction. In every city of which we are aware, the Chief of Police ultimately answers to some person or persons who are either directly elected by the people or are responsible to an elected official or group.

The Police Commission should set policy, while the actual administration and implementation of that policy is handled by the Chief. A primary reason for placing civilians, not policemen, on the Commission is to make certain that the department's operations are sensitive to the impact of police practices on the residents of the city. A civilian commission is perhaps better able to measure that impact and maintain the delicate balance between restrictiveness and liberty which is required to preserve both order and freedom.

In order to do this, the Commission should concern itself with major policy issues, not the routine administrative chores that so frequently occupy its time. Examples of the types of problems with which we believe the Commission should deal are:

The necessity and desirability of a Tactical Squad.

Methods of improving police-community relations.

Recruiting more minority group members.

Reducing the number of district stations.

Setting qualifications for new recruits.

Establishing better procedures for handling citizens complaints to increase both police and community confidence in the process.

The use of chemicals such as MACE.

Regulations governing the use of guns.

On important questions like these, the Commission should, as an aid in policy formation, solicit the views of the community and organizations interested in police procedures, including the Peace Officers' Association, Officers for Justice, neighborhood associations, businessmen's groups, the Human Rights Commission, and others.

Being detached from the daily operations of the department, the Police Commission should be in a better position to evaluate objectively its overall performance than sworn personnel.

The Chief, the Planning and Research Bureau and other bureaus are too much a part of the operation to be objective. As in most bureaucracies, there is an inherent resistance to change by those within the system. The concern as to how change might affect their own personal interest frequently takes precedence over improvements that might benefit the department and the community. It is the Commission which must set policy in those areas where the department has difficulty being objective because of the self-interests or biases of its

personnel. Examples of such areas are:

Civilianization of positions in the department.

The desirability of patrol shift assignments based on seniority.

Consolidation of the district stations.

Criteria for promotion.

Educational incentive plans.

The department has opposed a number of progressive changes simply because men currently on the force have resisted them. One such change would allow the department to hire qualified law enforcement officers from other departments, and place them in supervisory positions when their expertise is needed in San Francisco. This procedure is commonly called "lateral entry." Another change would provide for incentives (such as more pay or better promotional opportunities) for policemen to continue their education. These innovations have been widely recommended by experts in police administration, and the internal resistance to changes of this sort illustrates the need for policy leadership by a strong and independent Commission of civilians.

2. Reorganization of the Commission

The Committee believes that the Police Commission, as presently set up is not properly equipped to gather data on police practices, consider academic and professional works, or formulate policy and supervise its implementation.

For example, we understand from past commissioners that despite their requests, they were never given data which would have allowed them to analyze the costs, benefits and disadvantages of reducing the number of district stations. Also, they were never given information about gun regulations adopted by other departments.

Currently, the City Charter requires that the Commission perform many basic administrative tasks which consume valuable time and resources. Among those functions are: authorizing a police officer to work during his vacation, days off and holidays when his services are needed;³ and appointing and removing patrol special police officers.⁴ The minutes of the meetings of the Commission are filled with the most rudimentary matters of administration, most of which could easily be handled by efficient Personnel and Traffic Bureaus. The Committee recommends that the City Charter be amended to remove these administrative details from the responsibilities of the Police Commission.

The Commission has historically not had the power and independence from political pressure which it needs to make objective policy decisions. The realities of the Commission's power are perhaps expressed

³ City Charter, Sec. 35.5½.

⁴ City Charter, Sec. 35.10.

in former Chief Cahill's 1968 Special Report to the Mayor, where he described the Commission as having "responsibility for interpreting the Mayor's policy toward law enforcement regarding the administration of the Police Department."⁵ The degree of a Commissioner's independence varies with the Mayor in office and the extent to which he attempts to influence the management of the department. Some past Mayors have exerted their influence to have officers appointed to key positions for reasons other than merit. It has not been unknown for Mayors to by-pass the Commission completely and either declare policy positions to the press or communicate them directly to the Chief. Conversations with various past Commissioners disclose that despite the Charter provision establishing 4 year terms, they regard themselves as serving at the pleasure of the Mayor, and obliged to tender their resignation if they come into irreconcilable conflict with him.

Finally, because they are civilians with full time jobs outside the department, the Commissioners cannot be expected to have or maintain the expertise necessary to make important policy decisions. The Commission should be served by a full time staff, responsible only to it and independent of the department. This staff should prepare and assemble for the Commission studies of practices in other jurisdictions,

⁵ Cahill Report, p. 101.

recommendations from academic and professional sources, and studies of the effectiveness of the San Francisco department. The Commission should be provided funds to employ independent consultants when necessary.

B. The Chief

1. Policy Making Role

The Chief is the department's administrator. Primarily he is the "Chief Executive Officer of the Department,"⁶ but because of his professional expertise the Commission will naturally rely heavily on his advice in setting policy. The Chief, as administrator, must see to it that the policy decisions of the Commission are implemented, and he above all is responsible for the effective and efficient operation of the department.

To accomplish these tasks well, and to be able to plan for the future and meet anticipated needs and problems, the Chief should be able to rely heavily on data supplied him by the Planning and Research Bureau. For instance, if the Supervising Captain of Patrol wishes to increase patrol manpower in an area where crime is increasing, the Chief should be able to call upon Planning and Research for a revised

⁶ Rules and Procedures, Sec. 3.01.

deployment formula which takes into account the manpower needs of the rest of the Patrol Bureau, and the expected consequences of the new deployment.

Or, if the Chief is considering reducing the number of two-man radio cars, he should be able to find out from Planning and Research how many additional cars will be needed for one-man operations, where they can be used and at what times in order to increase patrol coverage without jeopardizing the safety of the officers. In short, Planning and Research should serve the Chief by providing him with data on the current and future operations of the department, and implementation plans for carrying out new policy.

It cannot be sufficiently emphasized that the Chief holds the key to the proper administration of policy in the department. As the head administrative officer, he has the power to require that his orders be carried out. He is responsible for the tone of the department as his known and emphatic support of policy determines its effectiveness. There is little doubt that problems such as corruption, racism and favoritism in any department can be minimized by forceful action by the Chief, coupled with a demonstrated desire to make certain that remedial programs are implemented. Because of the need for personal supervision, it is necessary that the Chief be unencumbered by unnecessary or low priority tasks so that his fullest energies can be directed toward departmental policy administration.

2. An Unmanageable Number of Officers Report to the Chief

The Organization Chart alone makes clear that one of the department's elementary administrative problems, and one which was apparent to previous surveyors of the department,⁷ is that too many high ranking officers report directly to the Chief. Twelve officers appear to report regularly. The result is that an inordinate amount of the Chief's time is devoted to miscellaneous day-to-day problems which should not be his concern while decisions on more important business are unduly delayed.

As we point out throughout this Report, department policy on many important matters of significance is non-existent. This requires even more conferences between the Chief and his top subordinates than should be necessary. Thus, important decisions must either be held up until the Chief personally can find time to consider them, or if they cannot be deferred, they must be made by subordinates who must guess what the department's policy would be.

Failure to delegate authority is one of the department's problems, but it is not easily resolved. Although the department has many men with potential, they are largely untrained in the jobs that are required. The fact is that San Francisco historically has had a provincial department unwilling to recognize that it might learn something

⁷ The Mayor's Budget Task Force recommended reducing the Chief's span of control to a maximum of seven officers. p. 37.

from other departments or from police training schools. As a result its ranking officers and men have not been given the opportunity to learn what is being done and what is working or failing in other law enforcement agencies. Thus, before many tasks that are or should be delegated by the Chief can be carried out competently, officers will have to be given educational opportunities to learn their jobs. This can be done both by bringing in officers from other departments to train our personnel, and by sending our officers to other departments and police science schools for training. All this should be done as rapidly as possible and as many men as possible should be educated in this fashion. The department can no longer take the position that it is too shorthanded to spare men for training programs⁸ -- otherwise the department will not progress and men within the department will never have the possibility of developing their potential and demonstrating their capabilities.

The failure to delegate authority has also contributed to the lack of uniformity throughout the department. The operations of the

⁸ An example of a recent forward step in this direction is Chief Nelder's announced plan for training officers to handle family crisis situations. This was proposed by the Crime Committee in May 1969, and a funding source for training was found, but after much correspondence and several meetings, the program was rejected because the then Chief stated that the demands made upon the department and the commitment of manpower precluded assigning men for such training.

Patrol Bureau, which are discussed in some detail in the Chapter on Patrol, provide a good example. Because the Chief does not have the time to confer frequently with all nine district station captains, and because the Supervising Captain who should have the responsibility of supervising and directing them has not previously been given much authority, the district captains have tended to be more or less autonomous and procedures vary considerably from district to district. Every district captain was interviewed by the Crime Committee staff and virtually all of them confirmed this. During the past year however, there seems to have been some change and Supervising Captain Taylor, perhaps because he is an unusually hard working officer, may have been given more authority than his predecessors.

Efforts by Chief Nelder to delegate authority and free himself from the burden of having numerous staff officers report to him have engendered other problems. The department secretary has been delegated a great deal of decision making and this has resulted in considerable discontent. A frequent complaint made by a number of these staff officers was that they were unable to see the Chief, and all proposals and requests for decisions had to be submitted to the department secretary. They complained that he either rejected them or gave no rapid decision, and thus delayed their work interminably.

The solution to this problem would appear to be twofold: that the Chief make certain that those to whom he delegates his authority share his philosophy, and also that an opportunity be given top staff officers to appeal adverse decisions on matters they regard as particularly important.

3. Some Important Policy Decisions Are Made Without Proper Consultation

While the Chief should regularly meet only with his immediate subordinates, when he is considering an important policy change or innovation it may become necessary to meet directly with those officers who will implement the policy. The Chief has not always done this and implementation of some new programs has suffered as a result. The Committee staff was repeatedly told by station and unit commanders that they had not been consulted on important policy decisions which directly affected their command.

For example, in May 1969, the Chief of Police created the "Crime Prevention Unit." This unit was largely made up of officers from the district stations. The Crime Committee staff was unable to find a single station commander who was consulted about the creation or the staffing of this special unit. Even the then Supervising Captain of Patrol had no advance knowledge of the plan to create the

the unit. He was not consulted about the plan and its effect on the district stations, and only learned of the unit's existence when he was informed that he must provide a certain number of men and automobiles to support it. Moreover, the order creating it simply declared that there would be such a unit, but did not state its purpose. The Committee learned that the commander of this unit requested guidelines for its operation, but none were provided. As the Chapter on Patrol states, several station commanders have voiced concern over the effects which the Crime Prevention Unit has had upon law enforcement, community relations, and other programs in their districts.

There is rarely any consultation with persons outside the department before decisions are reached. Seldom, if ever, is an attempt made to obtain opinions from other law enforcement agencies even in adjacent counties or from the District Attorney's Office, nor is any attempt made to obtain public views prior to the adoption of policy. Meetings of the Police Commission are open to the public, but ordinarily little advance publicity is given to the Commission's agenda, and in fact changes in policy frequently come as a surprise even to key department personnel. There is, however, a growing nation-wide recognition of the importance of permitting the public to participate in some way in the formulation of vital policies of the police.⁹

C. The Planning and Research Bureau

1. The Function of the Bureau

The Planning and Research Bureau was created in 1955 to perform these duties:

This unit shall investigate and report all procedures currently practiced by this Department. They shall formulate plans and procedures tending to the facilitation of the Department's objectives. They shall after careful perusal and study, recommend procedural policies and procedures which may either amend, modify, extend or eliminate present operative procedures.

Permanent Order No. 6, 1955

That order accurately depicted the functions of such a bureau in a modern, well run department. Performance of those essential functions requires that the unit:

1. Assist top administrators and unit commanders in developing programs and procedures in the department.
2. Evaluate the effectiveness of existing policies and procedures, and recommend improvements where needed.
3. In coordination with the Legal Department, develop procedures to comply with new legal requirements.
4. Draft and distribute necessary directives for implementation throughout the department.

Although attempts are now being made by the bureau to improve the situation, the Committee believes that it is not an overstatement to report that at present, for reasons largely beyond its control, the Planning and Research Bureau is not adequately performing any of these functions. Unlike most advanced metropolitan police departments, very little research and no long range planning is carried on by the San Francisco Police Department. In 1969, the Crime Committee staff asked every district station and major bureau commander what type of service and/or assistance he received from the Planning and Research Bureau. The unanimous response was none. This response has been confirmed by the staff's observations of the activities of the bureau. Although repeated efforts were made to locate planning and research projects being carried on in the bureau, the staff found only minimal signs of such projects having been performed in the recent past.

Thus, operation of the bureau differs significantly from that required by Permanent Order No. 6.

Until the change of administration in early 1970, the Planning and Research Bureau was headed by a sergeant. Instead of being used by the administration for true planning and research, members of the bureau were regularly used for chauffeuring visiting dignitaries, repairing furniture, operating the print shop of the department, issuing batons and helmets, hand-lettering certificates and awards

of merit, answering telephones in the Chief's office and other menial non-police tasks. To a considerable extent this is still their role.

The appointment of Captain Eugene Caldwell in 1970, resulted in the initiation of a number of necessary programs.¹⁰ Among those are the rewriting and updating of the department Rules and Procedures and improvement in handling project requests received by the bureau. Yet, in spite of these recent innovations, neither the bureau as a whole, nor most of its personnel, have specific assigned duties in the field of research or development. Bureau personnel are predominantly involved in non-research and planning duties.

For the bureau to perform its supportive role properly, the Police Commission and the Chief will have to recognize the potential importance of the unit, and the strength it can add to the department. The head of the bureau should be a key man, who enjoys the complete confidence and support of the Chief.

¹⁰ In March 1971, Captain Caldwell returned to the Traffic Bureau and was replaced by Acting Captain Sully.

2. Bureau Personnel

A significant fact which is both the cause and consequence of these defects is that most of the bureau's personnel do not possess the training, expertise or background required to perform the research and development work that should be done.

Because of the technical nature of many of the tasks demanded of the members of a planning and research bureau, police departments throughout the country are increasingly turning to civilian personnel to staff this important unit. This is true of the police departments in Los Angeles, Oakland, Chicago, St. Louis and Honolulu, among others.

Captain Caldwell recognized this need for civilian expertise and hired two civilians to assist him.

During the time that he headed the bureau, Captain Caldwell also worked closely with General Dynamics Corporation to strengthen the bureau. They proposed a three year program that called for training the bureau's personnel and developing their capacity for long range planning. The proposal was approved by the Chief and submitted to the California Council on Criminal Justice for federal funding. It was returned for some revisions to be made, and for reasons that are not clear, the department then decided not to resubmit the grant application. This now-abandoned proposal would have been a major step forward toward enabling the bureau to perform its proper role.

3. Illustrations of Poor Planning and Research

The weakness of planning and research in the San Francisco Police Department is perhaps best illustrated by a series of examples. The following are by no means exhaustive, but they typify the present situation in the department.

Electronic Data Processing. In 1969, the San Francisco Police Department decided to adopt electronic data processing (EDP). The Director of Planning and Research was assigned to head a departmental committee to study the subject, but key personnel in the operational units were never consulted as to their needs and how EDP could best serve them. The bureau did not conduct a thorough study of the needs, priorities or uses of EDP. An outside consultant was hired to assist in developing an EDP system for departmental use, but since he was not advised of the needs of the department, he devised a system which produced information that was neither needed nor useful to the department. After the expenditure of \$70,000 produced nothing of value to the department, the project was substantially curtailed at the suggestion of the Crime Committee staff.

Inventory. Of utmost importance in any planning or improvement effort is the knowledge of the extent, kind and location of available material resources. Such an inventory should contain not only department property, but those resources of other city agencies and private organizations that could be utilized in emergency situations.

No truly comprehensive catalogue of resources is now available to the police department; the preparing of an inventory should be high on the list of the Planning and Research Bureau's priorities.

Centralization. Organizational studies of the San Francisco Police Department have been submitted to both the city and the department itself in 1937, 1957 and 1961. These studies, conducted by independent teams, uniformly recommended that the number of district stations was greater than that actually needed for adequate patrol coverage and police presence and is a drain on city finances and police resources. The Planning and Research Bureau has apparently never been requested to analyze those studies and recommendations, and submit a master plan for decentralization. Because no such plan had been prepared, the Planning Commission recently recommended against the expenditure of funds for major renovations of present stations or building of new stations.

The Committee recommends:

(3) That to enable the Police Commission to concentrate its efforts on policy and major problems, the City Charter be amended to remove from the Commission's responsibilities, administrative matters which can be performed adequately by the department.

(4) That the Police Commission have a full time research staff independent of the department.

(5) That the Chief of Police regularly conduct staff meetings with his top subordinates to discuss proposed changes of policy and procedures, and how they can be effectively implemented.

(6) That the police department develop a procedure by which proposed policies and decisions with general public impact are announced before being adopted. The public should be given an opportunity to speak on proposed policies.

(7) That the police department develop better methods of evaluating newly adopted procedures.

(8) That the vital importance of the Planning and Research Bureau in long range planning be better recognized by the Police Commission and the Chief. The Chief should consult and meet regularly with the Director.

(9) That the function and duties of the Planning and Research Bureau be specifically defined by experts familiar with the operation of well-run police department planning units.

(10) That sworn personnel be trained in the skills needed for operation of the Planning and Research Bureau. Civilian specialists should be hired to perform specialized jobs in the bureau.

(11) That the department develop procedures for directing problems to the Planning and Research Bureau for study and assistance. As discussed elsewhere in this Report, a staff inspection unit must be developed to locate and identify problems for reference to the Planning and Research Bureau.

(12) That procedures be developed within the Planning and Research Bureau to analyze problems, formulate recommendations, and prepare necessary implementing orders and directives.

IV. SUPERVISION

Supervision is so poor throughout the department that the Committee staff found itself continually shocked by what it saw.

Reports to us as recently as May of this year, indicated that despite the change of administration in the department, the situation has not changed. Some officers sleep in the station or in radio cars during their shifts. Some have lunch or dinner as "guests" of the restaurant they visit, and after their meal some officers fail to report back to the communications dispatcher for duty. Control is so weak that often neither the dispatcher nor the sergeants know where the radio cars are or what the men are doing.

The picture is so bleak, that when one observer was asked what he would do to correct the situation, he said, "Short of disbanding the department and starting all over again, I don't know what can be done." Obviously, that is impossible. But one of the major recommendations of this Report is the creation of a staff inspection unit which would report directly to the Chief. Responsibility for selecting the right men for that unit should be up to the Chief, and the Chief should be held accountable by the Police Commission for seeing that immediate and appropriate steps are taken to correct the present chaos that exists.

The Rules and Procedures gives unit and station commanders the responsibility to inspect and report the status of their personnel, equipment and facilities. But in practice this is done in a perfunctory manner.

The principal tasks of supervisory officers are to train, direct, counsel, evaluate and discipline the subordinates who serve under them. In the San Francisco Police Department, there is no clear definition or understanding of the supervisor's responsibility and authority over his subordinates. The Rules and Procedures does not specifically describe the responsibilities of officers in supervising those serving under them. The failure to supervise lower ranking officers is found throughout all ranks.

The results of this poor supervision are far-reaching. Low morale is recognized by police administrators as reflecting poor supervision, and morale is noticeably low in the department. The appearance of officers is often sloppy. Equipment is poorly maintained. There is a high incidence of equipment accidents in the department. Recent graduates of the academy told Committee staff that they could not believe the lack of control and supervision they witnessed when they started station duty.

A. Examples of Poor Supervision in the Department

Hundreds of incident and arrest reports are filed daily in the department. Each report must be approved and signed by a lieutenant of the unit that prepared the report. However, almost every lieutenant contacted by Committee staff said that he automatically approves the reports even though he knows many of them are inadequate, but rarely is a report returned for clarification or amplification. Consequently, the reports often fail to give adequate descriptions of suspects and lack other essential information. Criticism of the low quality of reports was repeatedly expressed to the Crime Committee staff by members of the Inspectors Bureau and the District Attorney's Office. They said they had complained of this frequently but the department had still not taken any corrective action.

Even to the casual visitor many of the district stations are so disorderly and slovenly in appearance that they make respect for the department impossible. Members of the Committee staff have visited the stations and observed controversial political materials at information windows, "girly" magazines strewn around the office, many officers in improper or shabby uniforms and a lack of courtesy to visitors.

For example, it was observed that prior to assembly in a district station, a foot patrol sergeant and several patrol officers were

engaged in horse play. When a station secretary entered the room, the sergeant embraced her, and she too participated. These scenes took place in front of a Committee staff member and three juveniles. Another officer was clowning with citation notices for the juveniles and was mumbling phrases in simulated Japanese and making elaborate bows and leaping up and down from his chair every time someone asked him a question. The whole incident was disgraceful to a professional policeman. In most departments it is considered a matter of common sense for officers to act with dignity when a stranger is present.

The physical condition of some officers is not adequate for field duty. Station equipment and facilities are in disarray and need of repair. Six of the seven radio cars from a single district station recently failed to pass the California Highway Patrol Safety Inspection.

Clearly, the lack of supervision has led those in command to become unconcerned with station discipline and order. They believe there is little chance of being criticized or inspected by superiors, and thus little reason to maintain proper standards. At evening muster at Potrero Station, attended by a Committee staff member, many officers were slouched in chairs, sitting on benches or leaning against filing cabinets. There was no inspection of personnel or of their pistols and field equipment. Some officers were neat and others were

shabby. During a rather perfunctory reading of orders and descriptions of suspects in the area, none of the men took notes for use while on patrol. The physical condition of the station was poor. In the squad room, files, papers, citation books, and orders were scattered about. Old record books were scattered all over the basement, and a leaky boiler had soaked the books that were on the floor.

A few district stations are noticeably better than others, but the disparity itself demonstrates the absence of controls to ensure uniformity.

According to the Rules and Procedures,¹ the Supervising Captain is required to visit the various districts at unannounced and irregular intervals, and to attend station roll calls at frequent intervals. However, interviews by the Crime Committee staff in late 1969 disclosed that most station commanders and watch lieutenants could not recall ever having been inspected by a Supervising Captain. Since 1970, Chief Nelder and Supervising Captain Taylor have been making visits to the district stations, but conditions at the stations appear to be only slightly improved.

¹Sections 3.125 and 3.127.

In most stations, the captains work only during the day. Some captains have told their officers that they do not want to be bothered by night calls. What the ranking officer on night duty does to seek guidance in unique situations varies from station to station. As a result, there is no effective night time command in the police department. In short, supervision and control are woefully lacking.

B. Staff Inspection Unit

Proper supervision will require supplementing the present line inspection method with a system of staff inspection. Even in better managed departments a line inspection method is inadequate. It is unrealistic to expect officers to report regularly the poor performance of those with whom they are in close personal contact, particularly when it is the reporting officer who is responsible for their performance.

What is required is a separate staff unit that reports directly to the Chief of Police or to his immediate subordinate.² This Staff Inspection Unit should be charged with inspecting and reporting on the

² Section 3.370 of the Rules and Procedures authorizes the Bureau of Complaint, Inspection and Welfare to perform staff inspections when directed by the Chief of Police. Thus, the basic authority for a Staff Inspection Unit presently exists.

performance of all officers and units. According to the authoritative Municipal Police Administration textbook,

Those involved in the staff inspection process are neither responsible TO the supervisors of units being inspected, nor responsible FOR performance of the units and their personnel. Thus, they can conduct their inspections with complete objectivity and without fear of consequences. In effect, they serve as an extension of the office of the Chief of Police -- within carefully prescribed limitations and under general circumstances conducive to effective work.³

The staff inspectors should be carefully selected and trained. (P.O.S.T. field training is available at no cost to the city.) Their job would be to inspect each unit, submit comprehensive reports to the unit commander and discuss the reports with him. The reports should then be submitted to the Chief. Such a system has been in operation in the armed forces, the Federal Bureau of Investigation and the Secret Service for many years. It is being adopted by some of the more progressive metropolitan police departments.

As we stated earlier, the creation of such a unit is a major recommendation of this Report. Guidelines for its organization, responsibilities and procedures are contained in Municipal Police Administration, at pages 200-203. The following check-list,

³
M.P.A., p. 201.

recommended by the M.P.A.,⁴ shows the inspection that would be given patrol units:

A. Personnel

1. Absences
2. Appearances
3. Attrition
4. Authorized complement (all ranks)
5. Awards and commendations
6. Job knowledge (all ranks)
7. Integrity
8. Morale
9. Reports and records
10. Vacation and relief schedules

B. Operations

1. Accident
2. Citizen interviews
3. Communications discipline
4. Enforcement indices
5. Incident reponse time
6. Quality of on-the-scene investigation
7. Report preparation and records
8. Roll calls
9. Scheduling of Court appearances
10. Selectivity of enforcement
11. Special assignments
12. Supervision and command
13. Utilization and control of overtime
14. Utilization of automotive and other equipment
15. Utilization of tactical units.
16. Work schedules in relation to need

⁴Ibid, pp. 201-202.

C. Administration

1. Cooperation, other elements and agencies
2. Discipline
3. Housekeeping
4. Leadership
5. Personnel development
6. Staff meetings
7. Supervision

The Staff Inspection Unit would, of course, inspect all bureaus and units in the department, as well as the patrol force.

The Committee recommends:

(13) That the supervisory responsibilities of all ranks of officers be defined. Officers in positions of supervision should be required to train, direct, evaluate and discipline their subordinates, and should be held accountable for their performance.

(14) That the San Francisco Police Department establish and utilize a Staff Inspection Unit of carefully selected officers, reporting to the Chief, to inspect and report on the performance of all officers and units.

V. SELECTION, RECRUITMENT AND TRAINING

A. Selection

Standards for selection must, above all, accurately reflect the personal qualities necessary to perform police work.

It is obvious that before entry requirements can be formulated, a determination must be made as to just what the city requires of its policemen, and then what skills and attitudes an applicant must possess to fulfill those requirements.

This is more easily stated than speedily accomplished for there has been very little systematic research and study into what a policeman actually does and what skills are required to do whatever he does. Therefore we obviously have no tests to determine whether a man possesses these unknown skills, and no city to the best of our knowledge has assembled its collective wisdom to determine what it really wants its police to do or not to do.

This requires a great deal of thought and discussion by people from all walks of life and all segments of the community, including police officers, police administrators and Police Commissioners. Questions like these should be posed: Should street drunks be handled by the police or can this work be better handled by other agencies such as the Department of Public Health and Social Services? Should

traffic control and parking control be handled by the police, or should it be handled by a department of traffic engineers or some other agency? Should drug addicts be handled by the police, by public health authorities or by a combination of agencies? Should local prisons be run by the police or by trained correctional personnel? Should the investigation of minor traffic accidents be handled by the police, or can it better be done by some other agency, or does it have to be done at all? Should police give citations in minor traffic accident cases that they have not witnessed and if so, why? These and a host of other questions should really be considered and resolved before we can determine what kind of officers we want and how we should select them.

In this Report, as well as in some of our other reports, the Crime Committee has attempted to come to grips with some of these questions. If we have not resolved them to the satisfaction of the community, we hope that we have at least made the community aware of these problems and stimulated discussion and argument that will eventually lead to their resolution.

The leading study of what a patrolman does, was recently conducted in Chicago under the auspices of the Law Enforcement Assistance Administration of the Department of Justice.¹

¹ Melany E. Baehr, John E. Furcon, and Ernest C. Froemel, "Psychological Assessment of Patrolman Qualifications in Relation to Field Performance," Report to Office of Law Enforcement Assistance, Department of Justice 1968, pp. II-3 to II-5. The project was conducted by the Industrial Relations Center of the University of Chicago under a grant to the Chicago Police Department.

On the basis of extensive field observations, the results were presented in a job analysis in the form of a list of behavioral requirements. This list, which is included as an Appendix to this Chapter, was admitted by its authors not to be all inclusive, but it is formidable nevertheless.

The authors' conclusion was that:

Apart from an average level of intelligence, the most important personal attributes of successful patrolmen are all related to stability -- stability stemming from personal self-confidence and control of emotional impulses, stability in the maintenance of cooperative rather than hostile or competitive attitudes, and stability deriving from a resistance to stress and a realistic rather than a subjective and feeling-oriented approach to life. Underlying this stability was the presence of early assumption of family responsibilities and involvement in family activities in the background of better patrolmen. All of these desirable attributes are measured by the tests, and patrolmen who scored high on these attributes were, in general, those who were independently give high ratings for performance by their supervisors.

Robert Peel, who established the Metropolitan Police in London in the last century, stated that there was no quality more indispensable to a policeman than a perfect command of temper. Subsequent writers and students of police have called for similar qualities. One stated:

the two most important qualities which a policeman needs are tact -- by which is meant the ability to deal with all types and classes of people without upsetting them -- quiet nerves.

Another emphasized the quality of patience; another, a high level of tolerance to frustration and a great ability to accept contradictions; still another spoke of friendliness and an interest in people; and a psychologist who studied the New York policemen in the late fifties and early sixties concluded that a high degree of social awareness and desire to put oneself out for social experience were most predictive of success in a policeman.²

Our conclusion is that until we know better how to test for specific skills, we should place much greater emphasis on what the San Francisco system now gives practically no attention at all: emotional stability. This subject we cover but briefly at the end of this section, not because it is not of paramount importance, but because we cover it substantially here.

As we state here, and discuss in more detail in this section on the selection of officers, we are presently placing too much emphasis on lesser and sometimes the wrong things and not enough emphasis on

²This material is a summary of a discussion found in The Democratic Policeman, (George E. Berkley, Beacon Press 1969, p. 53).

major things. As the Task Force states:

Until recently, the dominant concern in the screening of applicants for the job of a police officer has been to assure that they met the rigid physical standards that were established. Such standards are still applied in many jurisdictions, despite the fact that they do not bear on the most difficult problems faced by the police officer today. Emphasis upon physical strength and aggressiveness reflects the popular image of what the police do rather than a careful analysis of job requirements.

* * * *

There is need for careful reassessment of the assumption that the highly aggressive individual makes the best police officer. If, as it appears, there is need for mediation and conciliation more often than there is need for the use of force or the making of an arrest, it would seem to follow that the emphasis should be placed upon getting officers who are able to understand the problems of the community and who relate well to its members. This would increase their ability to participate effectively in the solution of the social and behavioral problems which confront the police officer.

We urge a major rethinking and revamping of our selection process for police officers, and offer the findings and recommendations which follow as a beginning.

1. Entry Requirements

a. Lateral Entry

The most undesirable requirement, which is Charter imposed, is also found in most other cities. Under the Charter, an individual

may not join the department over the age of 35 and he may not be hired for any rank other than patrolman. These restrictions prevent "lateral entry" -- the hiring of an experienced person to fill a command position when the department lacks an individual with the necessary skills for the position. The Police Officers' Association has traditionally favored this restriction. However, modern police administration demands the most effective use of manpower skills and abilities, accompanied by commensurate pay and position. To deny a department skills it sorely needs, solely because they are not possessed by the present personnel, is a shortsighted practice that cannot be justified. The matter is well-defined by the President's Crime Commission which states:

Most police departments today do not permit "lateral entry" into command or staff positions by officers from other departments, or by civilians. This is partly because police pension rights are not movable from department to department, partly because of a traditional police resistance to "outsiders." One consequence is that America's police personnel are virtually frozen into the departments in which they started. An officer whose special skills are in oversupply in his own department cannot move to a department where those skills are in demand.

An officer who seeks to improve his situation by moving from a small department where opportunities for advancement are few to a large department where they are numerous cannot do it, nor can a city officer who would like to work in a small community follow his inclinations. A department that cannot fill important jobs adequately from its own ranks is precluded from seeking experienced officers elsewhere.³

The Task Force points out that bringing in "outsiders" is always opposed by bureaucracies and organized groups that insist on promotion from within so they can keep the intermediate and higher level jobs for themselves. But, says the Task Force, tight personnel restrictions like these "are stifling the professional development of the police service and should therefore be removed."⁴ Strong opposition to lateral entry can be expected, but it must be overcome, hopefully by an enlightened attitude of those police officers who can see that in the long run, it will greatly improve the department. We agree with the following recommendation made by the President's Crime Commission:

³Ibid, p. 111.

⁴Task Force Report: The Police, p. 142.

Personnel to perform all specialized police functions not involving a need for general enforcement powers should be selected for their talents and abilities without regard to prior police service. Professional policemen should have the same opportunities as other professionals to seek employment where they are most needed. The inhibitions that civil service regulations, retirement plans and hiring policies place on lateral entry should be removed. To encourage lateral movement of police personnel, a nationwide retirement system should be devised that permits the transferring of retirement credits. 5

Until a nationwide retirement system is adopted, San Francisco should take the lead in breaking down these traditional barriers, and should initiate a move for a statewide system that would permit the transfer of retirement credits.

b. Residence

The requirements for becoming a commissioned law enforcement officer in the San Francisco Police Department are established in part by state law, in part by the San Francisco City Charter, in part by city ordinance, and in part by the regulations of the Civil Service Commission. We believe that several of these requirements unduly limit the number of applicants who might be considered for employment as police officers.

⁵Ibid, p. 112.

Until 1969, one year residence in California was required of applicants. In 1969, the Board of Supervisors changed the residence requirement to qualify residents of the eleven western states. While this was an improvement, the Crime Committee is unable to find any adequate justification for limiting applicants to residence in these states.

Of course every effort should be made to fill openings in the department with San Francisco residents. We have an abundance of talent right here, and our residents know the community; but if the department is unable to attract local people of the highest caliber, it should not have to settle for second best, and should be allowed to seek the best from any state in the country. Residential requirements are another type of restriction that stifle professional development of a department.

c. Work Experience

The Civil Service Commission has established a work experience requirement. Except for applicants who have previously been students, an individual may not be considered unless he has three years full time paid work experience. While the prior employment experience of an applicant should be taken into account in evaluating his overall qualifications, this absolute requirement needlessly eliminates the unemployed from consideration for the police department. The restriction is most harsh on minority candidates, among whom there is a higher rate of unemployment.

d. Physical Size

The most enlightened approach to the question of physical requirements is that the physical size of an officer is not a matter of vital importance, and should not be a disqualifying defect which cancels out an applicant's other abilities.

Two reasons are most often advanced for the need for tall policemen. First, a taller man is less likely to be assaulted than a shorter man, so the taller the members of the force, the fewer the number of injured policemen. Second, the taller officer is more likely to be able to subdue an assailant without having to resort to using a weapon. This may be so, although no studies support it. We question the fixing of absolute height minimums which deprive the department of minority group manpower and men with much needed language skills. The Committee strongly approves the recent one inch reduction in the height minimum (to 5 ft. 7 in.) which should bring more Asian Americans to the force.

We should also remove height maximums. We see no reason why a man taller than six feet six inches should be unable to be a police officer.

e. Medical Requirements

Similarly, the series of absolute medical requirements fixed by the Civil Service Commission needlessly restricts the size of the

manpower pool from which policemen can be selected. In this area, as in the area of physical requirements, the emphasis should be on the "whole man," that is, inflexible requirements should be removed, and the over-all abilities of the applicant should be the standard for the selection process.⁶

2. Written Examination

If an applicant for a position on the force should satisfy all the above requirements, as shown by his application, he is then requested to appear for one of the regularly scheduled written examinations administered by the Civil Service Commission.

There are five different examinations in use which are rotated at different examination sessions. Section 147.1 of the San Francisco Charter requires that examinations be disclosed to the applicant and to the public after they have been graded. This provision prevents San Francisco from utilizing standard examinations which would otherwise be available. The State Personnel Board refuses to allow San Francisco to use its standard police entrance examination because disclosure under Section 147.1 would make it unusable by other

⁶ See Crime Commission, pp. 110-111.

departments. Similarly, police entrance examinations developed by private testing firms, used in many departments, are unavailable to San Francisco because of the same Charter provision.

The tests that are used by the Civil Service Commission are unsatisfactory. Many of the questions ask about police procedures and the meaning of legal terms about which the ordinary applicant who has not taken courses in police science is completely ignorant. Whether an applicant is familiar with such matters has little, if any, relation to his ability to learn about them if admitted to the department. An analysis of the test questions indicates that many qualified individuals may well be unable to pass the present written examinations for reasons unrelated to their fitness for police training or service.

3. Physical Examination

A second test given to all applicants is a strenuous test of physical agility. Section 145 of the Charter provides that applicants "shall have the physical qualifications required for enlistment in the United States Army, Navy and Marine Corps." The physical agility test administered by the Civil Service Commission, however, is considerably more strenuous than that imposed by any of the armed forces. The test requires more agility and strength than is necessary

for adequate performance of police duties. Captain Eimil states that in a recent examination, 41 out of 97 men who passed the written examination were unable to pass the physical tests. The stringency of the test probably tends to discourage otherwise qualified applicants from applying for admission to the department.

Other police departments in the state impose less stringent entry requirements and rely upon a strenuous conditioning program in the academy during which applicants who cannot adequately perform police work are put into condition. The Los Angeles Police Department eliminates a substantial number of recruits during the training period because they are unable to complete the physical conditioning program. We do not advocate emulating their practice. It seems to us that the initial physical test should be designed to screen out those recruits who quite clearly will not be able to complete a physical training program at the academy which is designed to bring men into whatever condition is necessary for police patrol.

However, we wish to point out the contradiction in the San Francisco system which eliminates so many men at the outset for inability to pass the physical tests, but does not require officers to keep in good condition after graduation from the academy. It would make good sense, it appears to us, that officers doing certain kinds

of work which requires the apprehension of criminals -- for example, police patrol and investigative work -- be required to pass periodic medical and physical examinations, just as they are required to qualify regularly at the police range.

4. Background Evaluation

Applicants who pass the Civil Service written and physical agility tests are then referred to the police department for a background investigation. The study of the individual's background should be the principal tool in the selection process. It is one of the most reliable means for detecting personality characteristics which render an individual unfit for police duty, and for screening out individuals who will not make successful police officers. According to the Task Force Report on the Police of the President's Commission on Law Enforcement and Administration of Justice:

No department should admit any person into the police service until his background has been comprehensively investigated. Trained investigators should examine school, credit and criminal records; interview persons used as references and other persons in the applicant's neighborhood; and interview past and present employers. The investigative process should extend to other communities as well, if the applicant lived elsewhere. To assist in the check of criminal records, the fingerprints of each applicant should be obtained.

Prior convictions, work habits, prejudices, emotional stability, among other characteristics, should be determined to ascertain whether the applicant is fit to perform police work. Since background investigations are expensive, if properly conducted, they should be restricted to those who otherwise have qualified.⁷

The background investigation in San Francisco today consists of a lengthy narrative report. It is far superior to the check-list type evaluation previously done by the background investigators. Director Eimil stated that the four men presently assigned to the investigations do an excellent job in developing background. He said that the men are able to check individuals personally if they live within a 200 mile radius of San Francisco. If the individual lives outside the radius, they mail questionnaire forms to residents and former employers. Eimil reported that in appeals to the Civil Service Commission the background evaluation decisions of the department have been sustained 95+ % of the time. He stated that the Civil Service Commission believes the police department is in the best position to properly evaluate the characteristics and qualities that will make the best type of policeman.

The background investigation formerly took approximately three months, but we are pleased to report that since early 1970, after discussions between the Crime Committee staff and departmental personnel,

⁷Task Force Report: The Police, p. 129.

the time has been considerably shortened. The three month period was considerably longer than in other police departments, and the delay was often responsible for losing qualified applicants who accepted other jobs while waiting to see whether they would be accepted here. Speeding up the background examination and using additional personnel for this work may be one of the reasons why the department was able to announce that in the spring of 1971, for the first time in many years, it was up to its authorized strength.

5. Oral Examination

After the background investigation, the applicant attends an oral examination administered by a captain in the Personnel Bureau, a Civil Service technician, and a minority group policeman. Also present at the oral examination is a sergeant who is instructed to observe and note any information discovered in the interview which might suggest additional background study.

In many departments, the oral examination is used as an effective means to screen officers whose personality is not adaptable to police work. In a carefully planned and administered examination, it is often possible to detect individuals who lack judgment or maturity, or who hold prejudices incompatible with the performance of police

duties.⁸ In San Francisco, the oral examination is put to little use. Personal history, attitude and emotional stability are evaluated very cursorily and most candidates are passed without question. Only four out of 316 candidates tested between 1967 and 1969 failed.

We have been informed by the Los Angeles Police Department that, in an effort to increase community confidence in the department, the oral board includes two citizens as well as a sergeant. Citizens are recruited and also volunteer for this work. This is an approach that might be used on an experimental basis in San Francisco.

If an applicant passes all of the above examinations, he is then given a medical examination by the police surgeon. The medical examination appears to be adequate.

6. Psychological and Psychiatric Screening

At present, the applicants do not receive any psychological or psychiatric evaluation to determine their suitability for police work. A 1968 survey by the International Association of Chiefs of

Police showed that 41 out of 162 major law enforcement agencies⁹ administer such tests.

The Task Force on the Police states that:

Although there is considerable conflict over the reliability of such tests as they relate to vocational success or failure in police work, properly administered tests and interviews can eliminate many of the emotionally unfit.¹⁰

The usefulness of such tests is indicated by the results of the testing done by the Los Angeles Police Department between 1953 and 1957. Of the 760 persons tested, 86 or 11.3 percent, were rejected as not meeting acceptable psychiatric standards. Fifty-one percent of these 86 were found to be latently or borderline psychotic and 22 percent were diagnosed as schizoid personalities.¹¹

The department should use the best psychological tests that are available in conjunction with an interview by a psychiatrist

⁹ Upgrading the American Police, Charles B. Saunders Jr., The Brookings Institution 1969, p. 42.

¹⁰ Task Force Report: The Police, p. 129.

¹¹ Ibid.

or psychologist. Adoption of these tests in conjunction with improved use of the oral interview and closer supervision and evaluation during training and probation periods will help screen out those who are emotionally inadequate for police work. These measures are important for the safety of other officers in the department as well as the citizens in the community.

B. Recruitment

This section deals primarily with the technical aspects of recruiting. Probably the most important aid in recruiting the best men available is being able to offer a position in a police department which represents the best in law enforcement.¹² The most intelligent and best men who seek a career in law enforcement will not succumb to an advertising campaign or the lure of high starting salaries. They are looking for a department that will train them well and offer educational and promotional opportunities which will enable them to advance as high and as rapidly as their abilities permit. To create such a department is the aim of this entire Report.

The basic defect in recruiting in San Francisco is that it has been passive. There has been no dynamic program in which recruiting

¹² The Cahill Report stated: "If you do not have a Department that is looked upon as progressive, up-to-date, moving with the times, and is backed by city policy that recognizes their position as one of importance, few will want to enter." p. 84.

officers are sent to college campuses, local community organizations and military installations in an attempt to find and enlist the best talent available. This year the department will, for the first time in a number of years, be up to full strength. It will have more applicants than it can accept. The department believes that this is indicative of a successful recruiting effort. But this is not necessarily so. There have always been a large number of applicants in periods of high unemployment. The point is that a recruiting campaign must be a continual active effort to attract quality; merely having a waiting list of many men is not enough.

Under the Charter, responsibility for recruitment is assigned to the Civil Service Commission. However, the Commission long refused to adopt a recruitment program, and the police department was slow to take up the responsibility. For years, the only recruitment program consisted of inconspicuous want ads in local newspapers.

Last year, recruitment operations were conducted by the Personnel Bureau under a budget allocation of \$15,000. Advertisements appeared regularly in the two major local daily newspapers, two Japanese publications, and a Spanish language newspaper. In addition the Bureau worked with a local advertising agency on television recruitment programs, and a billboard campaign.

The Personnel Bureau has also produced a recruitment kit for use by policemen to interest potential recruits. The kit contains a photographic brochure, an introduction card which is filled out by the policeman, and a small handout describing in outline form, the entrance requirements, the nature of police work and benefits. For each recruit who successfully completes the police training course, the officer responsible for his coming into the department is awarded eight hours of compensated overtime, an incentive recruitment program which appears to work well in other cities. The Director of the Bureau estimates that about 85 percent of the recruits in the academy have been contacted and recruited directly by policemen.

Additional recruitment programs are not expensive and do not require large personnel allocations. Other California departments have long recognized the importance of recruitment, and have adopted numerous imaginative programs. Some departments recruit on university and college campuses and at military installations. At present, there is a federal program under which military personnel may be released in advance of their ordinary release date to accept employment in law enforcement agencies. Unlike many other cities in California, San Francisco has yet to take advantage of this program. We mention this, but simultaneously caution that there should be particularly careful screening of such recruits to insure

that men whose combat experience has made them callous to human life are not brought on the force.

Recognition should be given to two cadet programs presently operating in San Francisco, which are commendable recruitment aids. One cadet program is being operated by the Police Athletic League (PAL) and the second is being operated by the department itself.

The Police Athletic League is an organization to which many officers voluntarily devote substantial portions of their off-duty hours without compensation. The PAL cadet program obtains part-time police assistance from students between the ages of 18 and 21. The cadets are given excellent training, and the program is well-operated. There is excellent minority representation among the PAL cadets. Several of these cadets have become police officers in San Francisco. The cadet program operated by the department is also commendable, and is a helpful adjunct to the recruiting program of the San Francisco Police Department.

In 1970, the police department for the first time assigned a Black police officer to recruit in minority areas. This was a step toward increasing the minimal minority representation in the department.¹³

¹³
See Profile of the Department.

As the President's Crime Commission¹⁴ and other commissions and police administrators have emphasized, extensive efforts are required to recruit minority members to provide representative membership within the police department at all levels.

The Committee recognizes the great difficulty that all police departments are having in attracting minority group members to law enforcement work. The distrust and hostility these groups have toward the police makes recruitment among them a hard task. However, we recommend that the San Francisco department make even greater efforts in minority recruitment, to show its earnest desire to increase minority representation on the force. The Commission and Chief must realize however that no recruitment program can succeed with members of minority groups until they are convinced that they will receive fair and equal treatment within the department. The creation of the Officers for Justice indicates that in the opinion of a number of Black officers there is great prejudice on the part of white officers and the Police Officers Association. This situation is well known and undoubtedly impairs successful recruiting among minority groups.

¹⁴Crime Commission, pp. 101-102.

The announcement presently used to advise applicants of police department entry requirements needs revision. The document is long, cumbersome, and tends to discourage applicants by making the requirements seem unduly difficult. The announcement is ten legal-size pages long, most of which is single spaced. It contains many technical medical requirements that must be met by the applicant, but which need not be included in a general circular. For example, the announcement states that back x-rays will be interpreted in accordance with the "Classification of Lumbosacral Spine X-rays," and advises that classes I, II and III are acceptable. Class II is defined in part as follows: "hypertrophic spurring, single spicule, two MM or less...Spina Bifida occulta-sacral..." Again, in advising applicants of the height and weight requirements, the announcement states:

"Applicants will be measured on a device certified by the Sealer of Weights and Measures to the quarter inch and weighed on a scale certified by the Sealer of Weights and Measures to the full pound as favors the applicant..."

The announcement also advises the candidate that he will be "checked carefully for arrest records" and that "a record of arrests or a single serious conviction may be cause for disqualification." To many, this may give the erroneous impression that a prior arrest for a minor offense will in itself disqualify the applicant.

In conversations with Committee staff, the leadership of the San Francisco Police Department has expressed the view that there is presently little need for a large scale recruitment program because the department is up to full strength. However, the Crime Committee believes the need is not simply to obtain a full complement of officers, but to obtain officers of the highest possible qualifications from all areas of the community. As we have stated, minority representation on the San Francisco Police Department is minimal, though it has improved somewhat in the past ten years. The department has no record of the number of officers with college training or degrees, but from what was told staff, the percentage is small. The selection process makes no serious effort to eliminate those whose emotional composition is not suitable for police work.

There should be a continuing effort to improve the department by seeking the most capable men that can be found.

C. Training

From several members of the San Francisco Committee on Crime who are closely acquainted with police work and the police department of San Francisco, there came a defense of the department which, paradoxically, was a severe censure. They insisted that despite

the recruiting and selection practices discussed in the foregoing pages, the raw material entering the San Francisco Police Department is as good as that anywhere in the country¹⁴ but that within a year or so the material is demoralized and spoiled by inadequate training and supervision, lax discipline and indoctrination into the habits and practices of the department.

In this section we shall discuss training; the other factors responsible for having the finished product not live up to the potential of the raw material are discussed in other chapters.

Training in the department has been poor and inadequate. Like so many other things that are wrong with the department, inadequate

¹⁴I.Q. figures, whatever their inadequacies may be, may support this view. In January, 1971, the Director of Personnel reported to the Committee that in the last seven recruit classes, the average I.Q. of the 274 men was 112.4. For comparative purposes, Charles B. Saunders, Jr. in Upgrading the American Police, The Brookings Institution, 1969, p. 42, states that "Studies of individual departments have revealed a significant percentage of personnel below the 110-120 range," although "standard texts in the field estimate that an I.Q. of 110-120 (the high average range for the general population) is a minimum requirement for effective police performance."

training is the result of attitudes that have existed for many years. The department has been resistant to change, and willing to keep things as they are. There has been an absence of progressive thinking. There has even been a lack of simple curiosity to see what other departments are doing, let alone a desire to learn from them.

Suggestions for change made from within the department have not been welcome, and there has been a failure to recognize problems of magnitude and take action to remedy them.

Nowhere is this more true than in the area of training. The department has failed to give more than lip-service to its importance.

The result has been this: an insufficient number of men are assigned to the training division; even those men assigned have been given other duties that prevent them from devoting all their efforts to training; the men assigned to training generally lack knowledge and education of teaching methods and techniques; a few men in the department who possess teaching credentials have not been used in training roles; there has been a failure to utilize the services and counsel of the many educators in local colleges and universities to improve the training program; detailed and comprehensive lesson plans available from other police departments have not been

utilized and the plans prepared within the department have generally been poor, and in many subjects are non-existent.

Unfortunately the view shared by many in the department is that "you can't learn to be a policeman in school; you can only learn it on the street." Only a year ago, these words were spoken by a young officer at a neighborhood police-community meeting attended by a number of police officers including two captains. Loud applause greeted the remark; it was not contradicted by any officer present. Only because this view is still so prevalent here, do we think it necessary to point out that every good police administrator thinks otherwise. The Task Force¹⁵ puts it this way:

Aside from individual intelligence, prior education, judgment, and emotional fitness, an officer must receive extensive vocational training before he can understand the police task and learn how to fulfill it... Training "is one of the most important means of upgrading the services of a police department."

We have no doubts on this subject and place training as a top priority in the department's agenda of things that must be done.

To place an officer in the streets without thorough, comprehensive training is like sending a draftee directly from civilian

¹⁵ Task Force Report: The Police, p. 137.

life into front line combat. He is unprepared to face the risks and dangers that may threaten his own life; and he is a menace to other officers whose lives depend on his actions.

A basic training program for new recruits is obviously essential, but that is only the beginning of a policeman's education.

Changes in the law, the development of new law enforcement techniques and important policy changes within the department require a department to give continual in-service training to keep its officers up to date.¹⁶ If officers are going to be able to assume key supervisory or management positions requiring special skills, the department should also have a program designed to send them to educational institutions as well as to other police departments for this training.

A major consideration in all training programs should be the recognition that 70% or more of an officer's time will be spent in providing services of one sort or another, rather than in apprehending

¹⁶ All previous studies of the department have stressed this need, as has the Crime Commission, p. 113.

criminals. All of these services involve dealing with and understanding people. The training programs of the department should reflect this.

Officers must be sensitive to the feelings of people, particularly those of the poor, the young, and the various minority groups in our community. This requires familiarity with the customs of the various sub-cultures, and an ability to handle potentially inflammatory situations with tact and diplomacy -- as well as with firmness when that is required.

1. Recruit Training

Our observations, based to a great extent on the reports of our staff and of officers in the department, disclose that until recently, recruit training has been poor but has improved within the past year. Police training is, of course a subject of paramount importance and it requires technical experts to evaluate it and help design a progressive plan for the future. The expertise required is not possessed by us, but is readily available within this state from the Commission on Peace Officer Standards and Training.

San Francisco's academy facilities do not begin to compare with those found in Los Angeles. In the Los Angeles Police and Sheriff's Departments, the academies are located in separate buildings with classrooms, modern equipment, and outdoor area for physical and field training. They resemble college campuses. Even though the San Francisco Police Department is much smaller, it should provide something better for its officers than presently exists.

In San Francisco the academy consists of three rooms in the Personnel Bureau on the fifth floor of the Hall of Justice. These rooms are poorly ventilated and lack windows. For fiscal 1969-70, the department allocated only \$18,000 for training and equipment (in addition to the salaries of the personnel presently assigned to training). More money was made available in 1970-71, when for the first time the department was able to receive funds returned from P.O.S.T. to the city; this money had previously gone into the city's general funds.¹⁷

The academy is under the direction of the Director of Personnel (a police captain) and the permanent full time staff consists of four men: a lieutenant, a sergeant, a physical defense instructor, and

¹⁷ If the law enforcement agency of a local government meets P.O.S.T.'s standards, P.O.S.T. reimburses the government for a portion of its expenses.

one patrolman who sits in the classes monitoring them. Instruction is provided by the sergeant, by other officers in the department, and by outside speakers who are brought in to lecture on specific subjects. This is our training staff for 1800 officers.

In contrast, the Los Angeles Police Department has a faculty of 135 men to train its 6000 officers, and the Los Angeles Sheriff's Department has a staff of 95 officers training 5000 sworn personnel. All these instructors hold some sort of teaching credential, The Oakland Police Department with about 715 officers has 8 sworn officers and two civilians engaged full time in training. We realize that mere numbers and credentials do not guarantee high quality education, but we believe that an evaluation by qualified consultants would be helpful to the Police Commission in determining whether our training program is adequately financed and properly staffed.

In early 1970, the only visual aid equipment available for the academy was a single movie projector, a manual slide projector and an overhead opaque projector. All were in need of repair; the slide and overhead projectors to the point that they were not usable. Although requests for additional equipment have been made from year to year, these items have regularly been deleted from the budget.

The curriculum at the academy exceeds the minimum requirements set by P.O.S.T. which call for a certain number of hours to be devoted to specific subjects. This is the only objective standard of measurement that can really be used. But there appear to have been a number of improvements in the quality of the instruction since early 1970. We base that on the following:

a. Until 1969 and early 1970, according to reports of officers, and the observations of Crime Committee staff, instruction in a number of classes consisted of little more than a recital of "war stories" -- the personal experiences of the police officer teaching the course. The new Director of Personnel states that he now requires all instructors to submit advance lesson plans to his office so that they can be looked over for content. What is needed, however, are detailed course outlines and lesson plans of the subject matter to be covered in each hour of instruction. They are used by other departments and provide a clear guide to the instructor of the subjects to be covered. These outlines, readily available from other departments, can easily be adapted for use in San Francisco.

b. The recruit training program has been revised and extended from 14 to 18 weeks. Under the new program, an officer spends six weeks in the academy, then works in a district station for six weeks, and returns to the academy for the final six weeks.

At the station, an officer observes and evaluates the recruit's performance and submits a report to the Personnel Bureau. Working in the stations makes the final period of academy instruction more meaningful to the recruits. Supervisors, watch commanders and station commanders generally agree that this change has made recent graduates of the academy better prepared for duty than their predecessors.

We believe that the training could be improved if the recruits, during their six weeks at the stations and for a period of time after they complete the academy, were assigned to work with specially instructed training officers at the stations rather than being assigned to any patrolman.¹⁸

c. Instruction in night time use of weapons, searching buildings, reacting to sniper fire, and stopping cars has been initiated.

Stern discipline and stress training are not part of the curriculum here as they are in some departments. Discipline should

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In Oakland, for example, a recruit after graduation from the academy, spends 18 weeks working with a field training officer. During this time, his progress is also watched by a training division officer.

be extremely strict at the academy in order to weed out those men who may fail to follow orders in the future. Recruits should be placed in stress situations to make certain that they have the temperament and capacity to respond properly to critical situations that occur on the street. They should also be exposed to the problems of the poor and of minority groups. An example of the type of training innovation that is being experimented with in some departments is one recently begun by the Oakland Police Department. In Oakland, for the first four weeks after a candidate has been accepted, he receives no formal training in police work. During this time he is given an orientation course in the cultures of the various groups in the community. University instructors are used as well as department personnel. In addition, there is direct exposure to community problems. For example, the recruits, in appropriate attire, are sent to welfare agencies to apply for relief so that they will have some insight into the waiting, the buck passing and the other frustrations of the poor. A white officer and a Black woman posing as a married couple are sent into the community to rent an apartment so that the officers can see the racial discrimination that exists in the community. We believe that programs of this type, designed to give an officer a greater understanding of the members of the community with whom he will be dealing are valuable and should be pursued.

2. Continued Education and Training

Continued training is provided in the best departments in three ways; by regularly scheduled roll call training, by the distribution of carefully prepared training bulletins, and by periodically bringing officers back to the academy or sending them to other schools for courses in a variety of subjects,¹⁹ which will bring them up to date.

a. Roll Call Training

Daily or several times a week, officers in many departments are given ten minutes of instruction at the beginning of their shift. Lesson plans are prepared by the Training Bureau and the instruction is given by command or supervisory personnel. Written materials are frequently distributed and the officers are held responsible for knowing their contents. Roll call training is only used sporadically in the San Francisco Police Department.

Many departments use video tapes both at roll call and other training sessions. Tapes are readily available from offices such as the Contra Costa County Sheriff's Department and the Los Angeles District Attorney's Office. The Los Angeles District Attorney's Office

¹⁹"Provision should also be made for those in administrative positions, or specialized fields, to attend events or classes outside of the city which will bring new knowledge to them and the department." Cahill Report, p. 87.

produces and distributes a series of video tapes specially prepared for police officers on subjects such as search and seizure, the laws of arrest, and important practical police problems. These tapes are not being used in San Francisco.

Until early 1971, the department had no video equipment. However, the department now has a video recorder and playback unit, and intends to explore the possibilities of video tape education. This is a beginning. The department should be provided with enough video equipment and motion picture projectors to allow their regular use in all district stations. This would also enable the department to take advantage of the many training video tapes and films prepared by other law enforcement agencies. But the success of film and video training will require some changes in attitude within the department. Department personnel have commented that films made by other California law enforcement agencies on the laws of arrest and search and seizure "are inapplicable to San Francisco," (which is puzzling because these laws are statewide), or are "inferior," (which is also puzzling because the department has produced nothing but a film on the use of a baton). The department should discard its provincial attitude toward educational aids prepared by other law enforcement agencies and take advantage of these materials.

Something in the nature of roll call training was started by Captain Eimil, Director of Personnel, in the past year. However,

unlike roll call training which is given at the beginning of an officer's shift, the new program training begins an hour or two earlier, and the officers are given additional pay for attending. According to Captain Eimil, instruction of this type has been given in bomb reconnaissance, stolen car identification, riot training and fingerprint lifting techniques. The funds to pay the officers come from P.O.S.T.

b. Publications and Training Bulletins

Many training and educational materials suitable for use by all peace officers are published by some of California's major law enforcement agencies. Ranking officers in our department give two reasons for not using them: first, the department cannot afford them, and second, they do not apply to problems in San Francisco.

Both reasons are difficult to accept. With proper priorities, a 35 million dollar budget is ample to permit purchase of such materials. They are not expensive, and certainly much cheaper than the cost necessary to develop them with our own personnel. As

for the second reason, we doubt that every San Francisco police problem is so unique that the experience of other agencies is inapplicable.

The failure or refusal of the police department to use available materials from other agencies is compounded by the lack of materials prepared by the department itself.

Until early 1970, information on important court decisions was passed on to the men in the department by the legal officer, but too often the information was not distributed until months after the decision was rendered. Sometimes, the "information" consisted only of a verbatim reprint of the court's opinion. The recent Information Bulletins appear to be more current and are giving increased emphasis to the applicability of court decisions to the officer's daily duties. Because of the great amount of work required to keep up with the decisions that constantly affect police procedures, we have recommended that the department take advantage of the monthly Law Enforcement Legal Information Bulletin (LELIB) published for law enforcement officers by the Los Angeles District Attorney's Office. This periodical includes information on recent cases, new legislation, police action that should be avoided, and summaries of published articles of interest to policemen.

In addition to the Information Bulletin, the department also issues a one page weekly information sheet entitled the Friday

Informer. This publication contains helpful information, but is not mandatory reading. In an attempt to get officers to read the publication, the Director of Personnel says he has recently asked Civil Service to include questions in the promotional examinations which are based on material in the Informer. However, this publication is not a sufficient substitute for carefully researched training bulletins of the type used in some other major department.

c. Other In-Service Training

Until 1969, San Francisco had no program for classroom training of patrolmen after they had finished recruit training. A program was begun in early 1965, but it received little administrative support. It concentrated on community relation problems, was marred by officer discourtesy toward guest speakers, and was discontinued shortly after it began.

In October 1969, the department began a new program of in-service classroom training. A General Order was issued requiring patrolmen appointed before September 1, 1966 to receive 40 hours of training on specified subjects. Most of the instructors were officers from within the department and lesson plans were not coordinated or reviewed. Although instructional materials for the subjects were readily available from other departments, they were not used.

Apparently no training was ever given for sergeants until 1966 when P.O.S.T. required that training be given a sergeant within 18 months of his appointment. In that year, arrangements were made to provide a sergeant's Supervisory Training Program at City College of San Francisco. In 1969, there were still approximately 120 sergeants who had failed to take or pass the required course. Subsequently, a concerted effort was made to comply with the P.O.S.T. requirement and according to the Director of Personnel, 106 sergeants took the course during 1970. One problem with the course is that it is not completely under the control of City College faculty. A substantial part of the course is taught by officers from the department, who naturally teach the men how things are done in the San Francisco Department. This tends to perpetuate many of the inadequate and outdated practices of the department. Some of the officers giving the course are well prepared, others are not, but City College can only control the quality and preparation of its own staff. Men who have taken the course said it would be more valuable if officers from other police departments were used to discuss more effective and up to date systems and techniques used by those agencies, but they agreed that such instruction would be valuable only if our department was receptive to change.

The Director of Personnel reports that last year, forty hours of instruction were given to 81 lieutenants in the department. Such

instruction was not previously provided. Also, all investigative personnel -- inspectors from the bureau, the hit-an-run detail, and the Juvenile Bureau -- were given forty hours of instruction, another innovation. He also states that on March 15, 1971, a program was begun to give every patrolman in the department forty hours of instruction every three years.

These measures are long overdue. Because of the past lack of training of all ranks, we believe that in-service training -- as well as a substantial amount of recruit training -- should be provided by outside educators or men from police departments that have kept pace with the times.

The gaps in training have been partially filled by some district commanders who understand and appreciate the importance of maintaining police skills. At one station instructors have been obtained from the bureaus to conduct training sessions which are made mandatory for the officers. The captain of the station has also begun a required physical fitness program in the police gymnasium, encouraged his officers to go on to higher education, obtained materials from other jurisdictions, and made a special effort to evaluate the recruits assigned to his station. This kind of initiative is a model for other stations, but it is unfortunate that the lack of better department-wide educational programs must be compensated for at the station level.

3. Advanced Education

This Committee does not believe that a college degree is a necessity for every police officer. It recognizes that a man can be a good officer without a college education, and that a man with a college education can be a poor police officer. But although a college degree does not make the man, it probably helps and so should be encouraged.

We note that the President's Crime Commission recommends:

- a. Police departments should recruit far more actively than they now do on college campuses;
- b. The ultimate aim of all police departments should be that all personnel with general enforcement powers have baccalaureate degrees;
- c. Police departments should take immediate steps to establish a minimum requirement of a baccalaureate degree for all supervisory and executive positions.²⁰

Recognizing that there are exceptions to the rule, we generally endorse the policy of the President's Crime Commission and believe that it should be adopted by San Francisco.

²⁰ Crime Commission, p. 109.

If the department has any policy encouraging higher education, it is unwritten, unimplemented and unknown to its officers. In fact, many officers believe that supervisory personnel at all levels do not believe in college education for police officers and discourage it.

There are certain legitimate grounds for these views:

(1) Progressive police thinking is in accord with this statement of the President's Crime Commission:²¹

Promotional eligibility requirements should stress ability above seniority. Promotion "lists" should be compiled on the basis not only of scores in technical examinations but on prior performance, character, educational achievement, and leadership potential. (emphasis added)

San Francisco operates in exactly the wrong way. Under the Charter and the Civil Service System, no promotional credits or additional pay is given for advanced schooling. The Police Officers Association has never proposed a promotional plan which would recognize advanced education. Emphasis is always given to seniority, not ability, a subject which we discuss in greater detail in the chapter on Promotion.

(2) The department's policy of giving daytime shifts (8 a.m. to 4 p.m.) on the basis of seniority while new patrolmen alternate

²¹ Crime Commission, p. 111.

each week between a swing shift (4 p.m. to midnight) and a midnight shift (midnight to 8 a.m.) makes attending college virtually impossible. (As we note elsewhere in this Report a new patrolman will spend about 12 years on this alternating shift schedule.

(3) With rare exceptions (made by a few enlightened supervisory officers), the department will not adjust an officer's duty schedule to allow him to attend college courses. This is in sharp contrast with cities like Oakland which strongly encourage men to attend college and assist them by rearranging their duty schedules.

(4) Courses given for "middle-management" officers (lieutenants and above) to train them in organizational and administrative skills have received little support. Officers have not been encouraged or allowed to take them and scepticism of their value has been expressed at the highest levels. Thus, in 1970, when such a course was available, the department sent only one captain and one lieutenant. (This problem will be resolved if the department complies with a new P.O.S.T. requirement, effective July 1, 1971, which calls for middle management officers to complete a prescribed course of study.)

(5) A number of officers to whom the Crime Committee staff spoke reported that officers taking college courses frequently receive less desirable duty assignments. Many officers stated that they believed outside schooling would be a hindrance to advancement within the department. Our staff found that many men who were

taking college work were doing so in order to leave the department, not to advance within it.

Whether these officers are correct in their appraisal of the department's attitude is relatively unimportant. What is significant is that a considerable number of officers believe that the climate in the department is hostile to further education. As a result, the department is losing and failing to attract a number of ambitious and intelligent men who desire a law enforcement career in a progressive department that offers them an opportunity to use their talents to full advantage. Men seeking such a career who are looking for more than a mere livelihood are not likely to join or remain in the San Francisco Police Department.

The Police Commission and the Chief must adopt and announce a policy encouraging officers to seek further education. This policy must be implemented by accommodating work hours to course schedules and giving promotional credits for college work.

Elsewhere in this Report we recommend the use of civilians in some important posts. We do so despite the continued opposition of the Police Officers Association to the employment of civilians in positions now performed by police. However, an improved policy of educational encouragement may eventually reduce the need for civilians

and enable the department to fill important technical and administrative positions with officers sufficiently trained and skilled to handle them.

The Committee recommends:

SELECTION

(15) That the Board of Supervisors eliminate the present one year 11-western state residence requirement for employment by the police department;

(16) That the Civil Service Commission eliminate the present work experience requirement;

(17) That the San Francisco Charter be amended to permit and facilitate lateral entry; and that San Francisco take the lead in urging the legislature to create a statewide retirement system that will allow the transfer of retirement credits;

(18) That Section 147.1 of the Charter, requiring graded examinations to be disclosed to applicants and to the public, be removed by Charter amendment;

(19) That the Civil Service Commission substantially revise its present examinations and remove all questions requiring technical legal and police science knowledge;

(20) That the Civil Service Commission modify its present physical agility test to impose requirements at least no more strenuous than those of the Armed Forces of the United States;

(21) That the department require officers doing patrol and certain kinds of investigative work to take regular medical and physical examinations designed to ensure the maintenance of their fitness for the duties demanded of them;

(22) That the oral examination administered to new applicants delve into personal history, attitude and emotional stability of the applicant, with the aim of rejecting applicants not suitable for police work;

(23) That the department adopt appropriate screening examinations designed to eliminate applicants whose personality or emotional make-up is incompatible with the performance of police work. The test should be made up by psychologists and psychiatrists familiar with police problems, and they should administer and observe its effectiveness and accuracy for a number of years;

(24) That recruits should be carefully supervised and evaluated during their training and probation period to eliminate those who are emotionally inadequate for police work;

RECRUITMENT

(25) That the department intensify its program of recruitment of minority group members with the objective of making the composition of the department ethnically and racially representative of the San Francisco community;

(26) That the announcement setting forth department entry requirements be simplified and clarified;

(27) That the recruiting program be a continual active effort to attract the highest quality of men available;

TRAINING

(28) That promotional examinations give credit for completed college work. Criteria for promotion should be removed from the Charter and established jointly by the Police and Civil Service Commission. If these criteria are not removed from the Charter, the Charter should be amended in accordance with this recommendation;

(29) That roll call training be expanded and improved;

(30) That officers be regularly examined to make certain they are familiar with the contents of training directives and bulletins;

(31) That the police department recruit more actively on college campuses;

(32) That the ultimate aim of the department be that all its patrol, investigative and administrative personnel acquire four year college degrees. Both the recruiting program and the educational incentive programs for men already in the department should be immediately directed toward this goal;

(33) That the Police Commission announce and adopt and the Chief implement a policy encouraging officers to seek further college education, and make necessary adjustments in the work schedules of officers who desire to take such courses;

(34) That the department make use of all suitable training material available from other law enforcement agencies;

(35) That the department seek Law Enforcement Assistance Administration funds to provide better facilities for the police academy;

(36) That the Police Commission invite qualified consultants to make detailed recommendations on the personnel and equipment necessary to provide the highest quality recruit and in-service training. Qualified consultants exist and some are available without charge to the city;

(37) That unless and until personnel in the department be found who are qualified by education, experience and disposition to provide the desired training, outside personnel should be employed. Particular attention is directed to the person assigned to head up the training function.

VI. PROMOTION

On the average, it takes a patrolman 13.1 years to become a sergeant, 19.4 years to become a lieutenant, and 23.7 years to become a captain in the San Francisco Police Department.¹

The most important objective of a promotional system in a police department is to place men in positions where their particular abilities and acquired skills can best be employed. Too often, promotion becomes simply a reward for staying on the force for a number of years, thereby elevating men to positions for which mere length of service is poor preparation. As the President's Commission recommended:

Promotion eligibility should stress ability above seniority. Promotion "lists" should be compiled on the basis not only of scores on technical examinations but on prior performance, character,² educational achievement and leadership potential.

Clearly, it is essential that to make the most of a promotional system, the performance of all officers must be continually and systematically

¹ These figures were computed by our staff on the basis of data furnished by the department. In his 1968 Special Report to the Mayor, Chief Cahill stated: "We need to end the intolerable situation in which it takes a man up to fifteen years before he achieves the rank of sergeant; or twenty five years to become a lieutenant or captain -- if we are to hold our men." (p. 69).

² Crime Commission, p. 111.

evaluated, and that evaluation be made a part of the officer's permanent record. The shortcomings of supervision and discipline in the San Francisco Police Department, noted elsewhere in this Report, make good promotional objectives difficult to attain.

One of the primary factors responsible for the low morale of the San Francisco Police Department is that most officers on the force do not believe that the promotional system is a fair one, or makes good sense.³ The officers feel that promotion does not come as the result of self improvement, special skills, or exemplary performance. Transfer to the prestigious and better paying Bureau of Inspectors, for example, is widely believed to be the result of an officer's political influence. The realization that their particular abilities will not be put to their best use, is one of the main reasons why some of the best young officers plan to leave the department.

There are two promotional systems in the San Francisco Police Department: the Civil Service Merit System, and the system of assignment to the Bureau of Inspectors and other specialized bureaus. Both systems are in need of complete revision.

³ The Mayor's Budget Task Force also reported on this sentiment in the department (p.21). Chief Cahill's 1968 Report stressed that improved morale would result from a better promotional system (p. 125).

A. The Civil Service Merit System

Promotion in rank, that is, from patrolman to sergeant to lieutenant to captain, is governed by the Civil Service Merit System, authorized by Sections 145 and 146 of the City Charter. The Civil Service Commission in its interpretation of those sections has devised a promotional system based on 1070 "credits" available to each candidate. The total is broken down in this manner:

Written Examination	790 credits
Seniority	150
Clean Record	60
Meritorious Service	40
Veteran's Preference	<u>30</u>
Total Possible	1070 credits

1. The Written Examination

(a) Administration

It is in the best interests of both the department and its men that promotional examinations be given as often as possible. The more rapidly that qualified men can be placed in positions where they can best be used, the more quickly the department improves. Keeping capable officers who are qualified for more responsible positions at a lower rank for too long a time causes discontent, stagnation or even resignation. For these reasons, the most progressive police departments give promotional examinations at least once a year.

In San Francisco, promotional examinations are given at about four-year intervals.⁴ Civil Service administers the test after being notified by the Chief of Police that a promotional list, usually the sergeant's list, has been exhausted; that is, when there are no more certified sergeants to fill openings or the list is too short to fill the vacancies that are anticipated for the next four years. Usually the Chief will specify the number of men that he estimates will be needed and Civil Service will certify or pass only that number. Should the Chief not make such a projection, Civil Service will set a passing score and all candidates scoring above it will be placed on the promotional list to await a vacancy.

Civil Service prefers to give promotional examinations for all three ranks at the same time. This facilitates making up the test since it is basically the same for each rank (see below), grading and appeal procedures are simplified, and administration of the examination is easier. However, this policy can delay the examination until there are enough vacancies or projected vacancies at all ranks to justify holding the tests. The Committee believes that these delays are harmful to all involved, and if

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Three examinations were given in the past three years to fill vacancies created by the passage of Proposition "O" in 1968, which allowed some officers to retire early. However, aside from this special situation, the examination is usually given about every four years.

other large departments find it possible to give promotional examinations once a year, so can the San Francisco Department.⁵

Prior to this year, there was a delay of many months between the administering of the examination and the certification of its results. The delay was due to a lengthy, antiquated procedure which allowed candidates to appeal examination questions they believed to be unfair. While the department awaited final certification, temporary appointments to vacancies were made purely on the basis of seniority. It was not uncommon for such a temporary appointee to appeal a number of questions, and, if he could thereby keep his temporary position for a year while appealing, he became eligible for the higher retirement benefits that went with the temporary higher rank. In 1971, the appeals procedure was finally changed to eliminate this problem.

(b) Contents of the Examination

As we point out in the next section, written examinations alone are poor promotional tests as they cannot measure a man's capacity for leadership or his past performance. A good written test should be part of the promotional examination, but the written tests used by the Civil Service Commission are poor.⁶

⁵
See Cahill Report, p. 69.

⁶
See Mayor's Budget Task Force, p. 32, and the Bruce Smith Report, p. 138.

Officers who have passed and also those who have failed agreed that the test requires a substantial amount of rote memorization of isolated "book learning" which may be irrelevant to the experience or the needs of a police officer in San Francisco (e.g., "What is the method for preserving a footprint in the snow?"). To a great extent, the test for each rank is the same. The sergeant's examination, consisting of 200 questions, is used as a base; 50 questions are added for the lieutenant's examination and 100 questions are added for the captain's examination. The test is an inadequate measure of the functional knowledge required for the rank to which the examination relates.

An alleged practice mentioned by a number of officers to the Committee staff was that officers with influence have been assigned to duties which allow them months of free time to spend studying, while on duty, for the upcoming examination. Rumors of this practice prevail throughout the department, and its effect on morale is harmful. Obviously, if such practices exist, they should be stopped.

2. The Need for an Oral Interview

The Charter⁷ requires promotional examinations to be entirely written. There is no oral interview.

7

City Charter, Sec. 146.

A survey conducted for the staff of the Crime Committee has revealed that of 53 California police departments, only San Francisco does not require oral interviews of candidates for promotion. In most of these other departments, the oral interview is used to evaluate the officer's past development, judgment, and potential. The examiners are given the candidate's personnel file to assist them in evaluating his past performance.

Interviews by Crime Committee staff indicate that most men in the department, although aware of the weaknesses of the all written examination, would be opposed to oral interviews. Because of the powerful political influences and pressures that they see permeating the department, they believe that the subjectiveness of oral ratings would enable the examiners to promote on the basis of influence and favoritism.

The Committee believes that written examinations alone are an inadequate measure of an officer's capabilities and potential,⁸ that they should be supplemented by oral interviews and that the integrity of the orals can be protected. This can be done by having a majority of the oral board consist of police administrators or officers from outside the city.⁹

8

The President's Crime Commission is in accord. (p. 111). See also Bruce Smith Report, pp. 3, 138.

9

The Bruce Smith Report which recommended four Deputy Chiefs, suggested that oral promotional examinations for these positions be given by outside police administrators. (p. 18).

Because of the fears of minority group members in the department that racial prejudice is easily used by an oral board to downgrade a man unfairly, it is also important that wherever possible, the board include minority group officers, or officers who have the reputation within their own departments of being free from racial bias.

Although it allows a possible intrusion of politics, the Chief should be allowed to select from the three men who score highest in the combined oral and written examination. This will enable him to select the man he believes is most qualified for the particular position.

3. Evaluation of a Candidate's Record

The promotional testing procedure includes no evaluation of the officer's performance in the department. The annual performance evaluation of each officer by his superior is not considered. In lieu of this the Civil Service Commission allows up to sixty credits unless he has been formally disciplined by the Chief or the Police Commission. Any lesser discipline receives no consideration. Moreover, an officer who has been formally disciplined loses "clean record" credits only at the next promotional examination; thereafter, he receives the full sixty credits regardless of the earlier discipline. Thus, an officer whose performance has been sub-standard but who has avoided any single act of misconduct resulting

in formal discipline since the last examination, is on a par with an officer whose performance has been consistently outstanding. The forty meritorious public service credits are only awarded for rare acts of special heroism, and are not given to officers whose conduct has been consistently outstanding.

The present San Francisco system also fails to give any credit for higher education or advanced training courses which the officer may have completed.¹⁰

4. Seniority Credits

Up to 150 credits are given for seniority of service and they are usually the controlling criteria for promotion in San Francisco. This number is so substantial, and the difference between low and high scores on the written examination so small, that it is almost impossible for qualified officers who score higher on the examination, to top senior members of the department on the promotion list. This is the reason it takes officers so long to be promoted.¹¹

Thus, the promotional system with its emphasis on seniority, operates counter to that urged by the President's Commission on Law

10

The Crime Commission recommended that all departments give promotional incentives for outside education, p. 113.

11

See first paragraph of this chapter, p. 121.

Enforcement and Administration of Justice and by all recognized authorities on police administration.¹²

As long as this antiquated system exists, any recruitment campaign designed to attract intelligent and ambitious men to our department has little chance of success.

B. Promotion to Special Bureaus

The second promotional system in the department is even more destructive to morale than the Civil Service Merit System.

Under Section 35.3 of the City Charter, the Chief may make appointments to the Inspector's Bureau, Juvenile Bureau, Accident Investigation Bureau, Special Services Bureau and the Intelligence Unit. These appointments are not subject to Civil Service regulation.

On the basis of staff and Committee interviews with literally hundreds of officers in the San Francisco Police Department, the Crime Committee reports that the virtually unanimous opinion held by officers of all ranks is that selection to these positions -- and most particularly to the Bureau of Inspectors -- is made principally on the basis of influential connections. The widespread view that personal connections, business contacts, religion, politics

12

The Mayor's Budget Task Force, p. 32, and the Bruce Smith Report, p. 139, were also critical of the unduly high promotional weight given to seniority.

and race -- rather than ability -- largely govern these assignments, is a major source of discontent throughout the police department. Young officers who wish to be inspectors are advised by their fellow officers that the position is reached not by developing a good performance record or by self-improvement and education, but by cultivating the right friendships or by joining the right church.

There are undoubtedly qualified officers in these bureaus, but there is no question that "juice" rather than ability has been responsible for many appointments. The Committee staff has been told by numerous commanding officers in the Inspectors Bureau that their details contain a substantial number of officers whose performance is consistently sub-standard. The detail heads cannot remove them and are frequently afraid to discipline them because they fear repercussions from their influential friends or protectors.

Our findings are not new. In his 1957 survey of the department, Bruce Smith, Jr., wrote: "There is a general conviction among members of the department of all ranks that appointments to the Bureau of Inspectors have in the past been for other than merit reasons."¹³ It is probably also one of the problems Chief Cahill was referring to in his 1968 Special Report when he stated, "And, further, no one wants to come into or work in a department that is politically controlled or restricted. They want to know at all times where they

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stand, and that the department is being run by the Chief."¹⁴
Ward and Natoli in their 1969 report wrote that, "Selection of
detectives is based, to a large degree, on 'political' contacts,
rather than on merit or prior record."¹⁵ They concluded that
"virtually any plan adopted (for selecting detectives) would be
better than the current method."¹⁶

A discussion of this problem should note that the general morale
of station personnel was improved considerably by last year's
transfer of men working the "eleven cars" (unmarked patrol cars manned
by patrol plainclothes officers) to the Bureau of Inspectors. The
statement of one officer typified the general reaction: "This is
the first time, the very first time, in the history of the San
Francisco Police Department that men have made the bureau purely on
their merit." Similar comment was heard at every station and by
officers of all ranks.

The system of promotion to the Traffic Bureau contrasts sharply
with that of the bureaus discussed above. Any officer in the
department who wishes to serve in the Traffic Bureau may submit an

14
Cahill Report, p. 84.

15
Ward-Natoli Report, p. 13. See also Mayor's Budget Task Force
Report, p. 33.

16
Ward-Natoli Report, p. 14.

application for a transfer to the bureau. The Director of the Traffic Bureau carefully screens the personnel jacket and performance record of the applicants and selects those officers who are most qualified for the positions. While the discretion of the Director of Traffic plays a significant role in this process, most officers in the department have confidence in his impartiality, and believe that most appointments to the bureau are based principally on merit. It is true that there are some positions in the Traffic Bureau generally regarded as disciplinary assignments, however, other than these the bureau is regarded as a prestigious service.

C. Recognition of Patrol Officers

The statement is frequently made by police authorities that "the patrol force is the backbone of the police department." But too little recognition is given the patrol officer and the importance of his work.

There are two standard methods of promotion for a good patrol officer, and both methods take him away from patrol work -- the very job that he may be best qualified for, like best, and do best. The first is to make him a detective,¹⁷ but the very fact that a man who shows ability as a patrolman is rewarded by being made a

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Detectives are called "Inspectors" in San Francisco. The terms are used interchangeably throughout this Report.

detective is itself disparaging of patrol work. Also, a man may be an excellent patrol officer, but lack the quite different talents required of a detective.

The second method of promotion is for the patrol officer to pass the necessary tests to become a sergeant, then a lieutenant and so on as he climbs the ladder of rank. However, these positions call for leadership talents which a good patrol officer may not possess, and the assumption of administrative duties and responsibilities which a patrol officer may not enjoy. In short, these positions take a good patrol officer, who enjoys patrol work, away from the very work which he likes best and performs best.

If a patrol officer wants to become a detective, or a sergeant or lieutenant, certainly he should have the opportunity of doing so. However, the patrol officer who enjoys patrol work should be able to remain in his position and receive appropriate recognition for it.

We propose that there be four ranks of patrolman and that an officer be able to ascend those ranks on the basis of his performance. A board composed of sworn officers, including perhaps one or more citizens from the community, might with subsequent ratification by the Chief and the Police Commission, elevate a patrolman to a higher rank. The ranks might be known as Patrolman, fourth class; Patrolman, third class; Patrolman, second class; and Patrol Specialist.

A patrolman would receive a pay increase at each higher level, but would remain on regular patrol duty. We believe that such a system would help give appropriate recognition to the importance of the patrol function.

D. Other Appointments

The Charter provides¹⁸ that the Chief may appoint a deputy chief, a department secretary and the director of the bureau of special services from any rank, and then gives him the power to fill a number of key positions with men who have attained certain designated ranks. This flexibility and discretion would not seem to us objectionable provided that the Chief was actually free to make these appointments without political pressures from the Mayor or the Police Commission. But because these pressures have existed throughout the history of the department, all personnel suspect political motivations when these positions are filled. In order to avoid this kind of political abuse, selection by Civil Service is indicated. But a strict Civil Service with tenure ties the hands of the Chief. Sometimes it requires him to fill a key position with one whom he does not regard as best qualified, whose philosophy of police work is not in accord with his, or whose loyalty he questions. A new Chief, saddled with inherited subordinates, cannot run the department as he thinks it should be run. Any Chief should be able to change top administrators under him if they fail to meet his standards of performance. The solution best attaining the advantages of a system of

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City Charter, Sec. 35.4.

free selection and a system of Civil Service and best avoiding the disadvantages appear to be this.

1. The Chief should be free to select his deputy chief, or his principal deputy chief if there be more than one deputy, either from within or outside the department, to serve at the pleasure of the Chief.

2. All other top subordinates who report directly to the Chief, either under the present plan of organization or some new and better one, shall be selected by the Chief from the three men who score highest on a Civil Service examination designed for the particular position. None of these positions should have tenure or have Civil Service rank. The Chief may at any time remove the man holding the position. Anyone removed from his position by the Chief shall return to whatever Civil Service rank he previously held in the department. The Chief shall fill the vacancy from the top three names on the existing list, or if there is no list, he shall request that a new examination be given.

The Committee recommends:

(38) That Section 146 of the City Charter be amended to permit the Civil Service Commission to restructure the present promotional process and require the use of oral examinations in addition to written examinations. The oral boards should be composed primarily of qualified peace officers from other jurisdictions who shall in

their evaluation consider, among other factors, the past performance and educational achievements of the candidates. No specific weight shall be given to seniority, which should merely be one of the factors for the board to consider.

(39) That the Chief of Police be selected by the Police Commission either from within or outside the department.

(40) That the Deputy Chief of Police be selected by the Chief from within or outside the department.

(41) That all other top subordinates who report directly to the Chief, either under the present organizational structure or under an improved organizational structure, shall be selected by the Chief from the top three names on a written-oral Civil Service examination designed for that position and given as recommended above. Such positions shall be non-tenured and shall not have Civil Service rank. Men holding those positions shall serve at the pleasure of the Chief, and if removed, they shall, if they were members of the department prior to their appointment, retain their Civil Service rank. The Chief shall then fill the position from the top three names on a Civil Service list.

(42) That within the patrol force four ranks of patrolmen be established. Promotion should be based on patrol performance. The promotional board should be composed of officers from within

the department, including perhaps one or more community representatives. The board's recommendations would have to be approved by the Chief and the Police Commission.

(43) That all other positions in the department, including the bureaus, be filled by the type of examination described in the first recommendation above. That the Chief may select from the top three names on the examination list.

(44) That all examinations, other than for a higher patrol rank, be open to all officers from this or any other law enforcement agency. (See Chapter on Selection, Recruitment and Training on the subject of lateral entry.)

(45) That the Civil Service Commission revise its written examinations to test abilities required for the position to which the test relates.

(46) That the Civil Service Commission hold promotional examinations at least once a year.

APPENDIX

THE ROLE OF THE PATROLMAN^{*}

*

The material on the following pages is taken from "Psychological Assessment of Patrolman Qualifications in Relation to Field Performance," by Melany E. Baehr, John E. Furcon, and Ernest C. Froemel,; Report to Office of Law Enforcement Assistance, Department of Justice 1968, pp. II-3 to II-5. The project was conducted by the Industrial Relations Center of the University of Chicago under a grant to the Chicago Police Department.

It is essential that a patrolman:

1. endure long periods of monotony in routine patrol yet react quickly (almost instantaneously) and effectively to problem situations observed on the street or to orders issued by the radio dispatcher (in much the same way that a combat pilot must react to interception or a target opportunity).
2. gain knowledge of his patrol area, not only of its physical characteristics but also of its normal routine of events and the usual behavior patterns of its residents.
3. exhibit initiative, problem-solving capacity, effective judgment, and imagination in coping with the numerous complex situations he is called upon to face, e.g., a family disturbance, a potential suicide, a robbery in progress, an accident, or a disaster. Police officers themselves clearly recognize this requirement and refer to it as "showing street sense."
4. Make prompt and effective decisions, sometimes in life and death situations, and be able to size up a situation quickly and take appropriate action.
5. demonstrate mature judgment, as in deciding whether an arrest is warranted by the circumstances or a warning is sufficient, or in facing a situation where the use of force may be needed.
6. demonstrate critical awareness in discerning signs of out-of-the-ordinary conditions or circumstances which indicate trouble or a crime in progress.
7. exhibit a number of complex psychomotor skills, such as driving a vehicle in normal and emergency situations, firing a weapon accurately under extremely varied conditions, maintaining agility, endurance, and strength, and showing facility in self-defense and apprehension, as in taking a person into custody with a minimum of force.
8. adequately perform the communication and record-keeping functions of the job, including oral reports, preparation of formal case reports, and completion of departmental and court forms.
9. have the facility to act effectively in extremely divergent interpersonal situations. A police officer constantly confronts persons who are acting in violation of the law, ranging from

curfew violators to felons. He is constantly confronted by people who are in trouble or who are victims of crimes. Besides his dealings with criminals, he has contact with para-criminals, informers, and people on the border of criminal behavior. (He must also be "alley-wise.") At the same time, he must relate to the people on his beat -- businessmen, residents, school officials, visitors, etc. His interpersonal relations must range up and down a continuum defined by friendliness and persuasion on one end and by firmness and force at the other.

10. endure verbal and physical abuse from citizens and offenders (as when placing a person under arrest or facing day-in and day-out race prejudice) while using only necessary force in the performance of his function.
11. exhibit a professional, self-assured presence and a self-confident manner in his conduct when dealing with offenders, the public, and the courts.
12. be capable of restoring equilibrium to social groups, e.g., restoring order in a family fight, in a disagreement between neighbors, or in a clash between rival youth groups.
13. be skillful in questioning suspected offenders, victims, and witnesses of crimes.
14. take charge of situations, e.g., a crime or accident scene, yet not unduly alienate participants or bystanders.
15. be flexible enough to work under loose supervision in most of his day-to-day patrol activities (either alone or as part of a two-man team) and also under the direct supervision of superiors in situations where large numbers of officers are required.
16. tolerate stress in a multitude of forms, such as meeting the violent behavior of a mob, arousing people in a burning building, coping with the pressures of a high-speed chase or a weapon being fired at him, or dealing with a woman bearing a child.
17. exhibit personal courage in the face of dangerous situations which may result in serious injury or death.

18. maintain objectivity while dealing with a host of "special interest" groups, ranging from relatives of offenders to members of the press.
19. maintain a balanced perspective in the face of constant exposure to the worst side of human nature.
20. exhibit a high level of personal integrity and ethical conduct, e.g., refrain from accepting bribes or "favours," provide impartial law enforcement, etc.

THE SAN FRANCISCO COMMITTEE ON CRIME

A REPORT ON THE SAN FRANCISCO POLICE DEPARTMENT PART II

Moses Lasky, Co-Chairman
William H. Orrick, Jr., Co-Chairman
Irving F. Reichert, Jr., Executive Director

THE NINTH REPORT OF THE COMMITTEE

June 17, 1971

THE SAN FRANCISCO COMMITTEE ON CRIME

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June 17, 1971

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June 17, 1971

Honorable Joseph L. Alioto
Mayor of the City and County
of San Francisco
City Hall,
San Francisco, California 94102

My dear Mr. Mayor:

On June 9th the San Francisco Committee on Crime submitted to you Part I of its Report on the San Francisco Police Department. Herewith, Part II, is the remainder of that Report.

As you will readily perceive, the whole Report is the end product of a monumental amount of labor and thought that has been going on since funding by the Ford Foundation in early 1969 made the work possible. We have received cooperation from the Department, and a number of interim suggestions made by our staff were adopted by the Department and have saved the City large sums of money. Just our recommendations for eliminating the police liaison officer with the Probation Department and concerning ammunition at the firing range have already saved the City more than the total appropriated by the City for the Committee's work.

In this prolonged study the Committee has had the most expert assistance. Several members of the Committee have themselves unusually close knowledge of police practices.

Members of the Committee's staff who worked on the study were law enforcement men by training and experience. The Committee has consulted with top law enforcement administrators. However, the Committee assumes sole responsibility for its Report and conclusions.

Both Part I and Part II of the Report were submitted to the three members of the Police Commission for review and comment, Part I more than two weeks before its release and Part II more than one week. No comment was forthcoming.

In our letter of June 9, 1971, transmitting to you Part I, we noted the vital importance of police-community relations and explained that we did not discuss the subject because another group had been funded to make a study of that subject. Nevertheless, once again we must underscore the importance of proper relations between police and community. There is, in the Department, a Community Relations Unit, but good community relations cannot be effected by one specialized unit. The report of the Task Force on Police of the President's Crime Commission said:

"Police-community relations will probably not improve substantially unless policing as a whole improves. * * * Police morale must be raised. Yet, morale is affected by almost everything occurring within the department* * * police-community relations cannot in fact be separated from the rest of the problems in policing today.

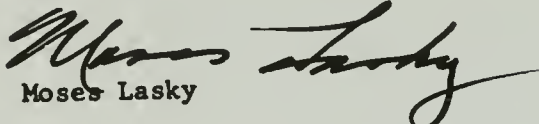
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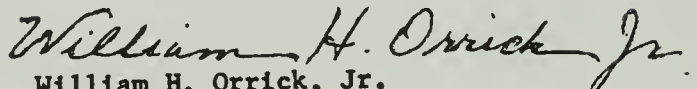
"Community relations is not a part time task of the Police Department, or a mere postscript to its traditional work. We believe that community relations is essential to all law enforcement and therefore an integral part of all police work. Improving community relations is a full-time assignment of each man on the force... (Healthy community relations)...can only be achieved by inculcating an attitude--a tone--throughout the force that will help facilitate a creative rapport with the public."

The San Francisco Committee on Crime believes that the adoption of the recommendations made throughout its

two-part report on the Police Department will produce a better department and, in this way, healthier relations between the police and the rest of the community.

Respectfully,


Moses Lasky


William H. Orrick, Jr.

Co-Chairmen

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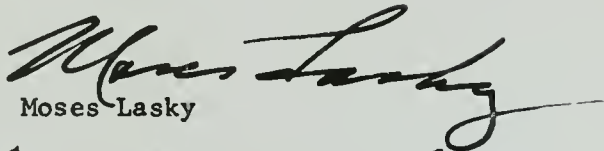
June 17, 1971

Honorable Dianne Feinstein,
President of the Board of Supervisors
of the City and County of San Francisco
City Hall
San Francisco, California 94102

Dear Mrs. Feinstein:

The San Francisco Committee on Crime submits to you with this letter Part II of its Report on the San Francisco Police Department. Sufficient copies are enclosed for all members of the Board of Supervisors. We also enclose a copy of the letter by which we are concurrently submitting the Report to the Mayor.

Respectfully,


Moses Lasky


William H. Orrick, Jr.

Co-Chairmen

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REFERENCES

The following reference titles, cited throughout this report have been shortened as indicated.

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Bruce Smith Report = Report of a Survey of the San Francisco California Police Department, Bruce Smith, Jr., 1957.

Cahill Report = 1968 Special Report: San Francisco Police Department, Thomas J. Cahill, Chief of Police.

City Charter = Charter of the City and County of San Francisco.

Crime Commission = The Challenge of Crime in a Free Society, The President's Commission on Law Enforcement and Administration of Justice, 1967.

Kansas City Study = Survey of Municipal Police Departments, Kansas City Missouri Police Department, 1969 and 1970 as indicated.

M.P.A. = Municipal Police Administration, International City Management Association, Sixth Edition, 1969.

Mayor's Budget Task Force = A Report with Recommendations Concerning the Activities of the Police Department of the City and County of San Francisco, The Budget Task Force of the Mayor's Committee for Municipal Management, 1961.

Rules and Procedures = Rules and Procedures: Police Department; City and County of San Francisco.

Task Force Report: The Police = Task Force Report: The Police, The President's Commission on Law Enforcement and Administration of Justice, 1967.

Ward-Natoli Report = A Systems Analysis of the San Francisco Police Department: Bureau of Inspectors, Richard Ward and Richard Natoli, 1969.

Washington Survey = Report of the President's Commission on Crime in the District of Columbia, "Survey of the Metropolitan Police Department," International Association of Chiefs of Police, 1966.

I. DISCIPLINE

The police department is entrusted with a large amount of control and regulation of the rights and activities of the people. It is of the greatest importance, therefore, that every precaution be taken to insure public confidence in the integrity and efficiency of the department. To that end the conduct of officers must be regulated and discipline must be enforced. This is an important function of command and it divides itself into two principal aspects:

I. Regulation and supervision of the conduct of officers to insure constant and skillful performance of duties, and maintaining high standards of ethical conduct.

II. Creation and maintenance of a program of relations with the public to the end that infractions by police of the rights of citizens are ascertained and dealt with fairly and adequately.

I

The performance of the department, its character and reputation, all depend on an adequate program of supervision and discipline.

Our investigation revealed that a clearly defined policy to guide officers is lacking, that their conduct is poorly supervised, and that appropriate discipline is not consistently and uniformly applied for improper conduct. No one is more aware of these deficiencies than the men in the department. Most of them, particularly the younger officers, desire to see discipline tightened and

administered uniformly and fairly. There is need for change.

Because of the lack of clear standards, central control and proper supervision, disciplinary standards vary greatly among the units and stations. What is proper conduct in one bureau may be improper in another. Typical of the many comments made to Committee staff were those of one lieutenant. According to him, discipline varies not only from station to station but also from bureau to bureau; in his many years in the department, he had known some inspectors and patrol officers who had simply been transferred upon discovery of their infractions. He said that strict discipline exists at some of the patrol stations where, for instance, a drunk officer will get five days suspension without pay. He considered it unfair to the men to have two, three, or four different disciplinary standards operating simultaneously in the department.

Because effective disciplinary procedures are absent, sub-standard performance goes unchecked and unreported by immediate supervisors. That fact has been confirmed by staff interviews with officers at all levels. Top administrators report that they virtually never receive reports of misconduct from their subordinates.

Several detail commanders in the Bureau of Inspectors told the Committee staff that a number of the inspectors were completely ineffective and unproductive. Estimates of the number ranged from

15% upwards. However, said these commanding officers, nothing can be done either because of the cumbersome disciplinary procedures in the Charter or because the men have the protection of influential friends.

1. Uncorrected Misconduct

Sections 2.145, 2.147 and 2.149 of the Rules and Procedures prohibit any officer from accepting a gratuity, except upon express permission of the Police Commission. Even the exception is unique, for most departments, including Oakland, Los Angeles and Seattle, flatly prohibit officers from taking gifts in any circumstances. In many departments, the acceptance of even the smallest gift is cause for stern discipline. Yet in San Francisco gratuities are commonly accepted by officers without approval. The prevalent practice of taking free meals at restaurants during the mid-shift break is an example, and a flagrant abuse of an officer's position. Obviously most restaurant owners resent the practice but there is no one to whom they can complain. While an officer may accept a gift sincerely believing that it will not affect his performance, experience teaches otherwise.

The Committee staff has heard other reports of serious misconduct which have gone uncorrected. For example, some officers and a bail bondsman have reported that from time to time policemen assigned to the city jail have received "kick backs" from bail bondsmen whom they recommend to incoming prisoners. This practice, if it exists, constitutes a serious violation of State Law as well as of the Rules and Procedures of the department.¹ Yet, as the Committee has been informed, these reports have not been thoroughly investigated by the department.

The Rules and Procedures prohibit an officer from drinking alcoholic beverages while on duty and forbid excessive drinking while off duty.² Yet there are some officers in the department whose drinking problems are well-known to the administration.

¹
Rules and Procedures, Sec. 2.145 - 2.149.

²
Ibid., Sec. 2.125.

One officer in the Personnel Bureau is assigned full time to coordinate the Fellowship Club, an informal organization of department personnel who have drinking problems. The club is run much like Alcoholics Anonymous. There were, when we checked in mid-1970, approximately 35 members and 15 ex-members on the force. Granting that these men should constitute no problem, according to a reliable source there were about 60 officers with known drinking problems who have refused to participate in the program.

When an officer's alcoholic problems become particularly acute, he is usually given a sick leave to go to a drying-out sanitarium; when he comes back to the force, he is ordinarily returned to duty. While officers with drinking problems should be handled sympathetically and given a chance to reform, when an officer who has been given the chance fails to reform, he should be removed from the force. The critical nature of police work coupled with the present requirement that all officers carry guns both on and off duty makes this precaution mandatory and obvious.

Section 2.113 of the Rules and Procedures states that members of the department "shall not actively participate in politics relative to the election or appointment of public officials." Such a rule exists in most police departments and is usually strictly enforced. In San Francisco, the rule is disregarded by officers at all levels, many of whom openly support political candidates. As a result, when officers are reassigned after elections, there is a

general belief in the department that the best assignments are awarded to those who supported winning candidates.³

Section 2.111 prohibits members of the department from initiating, proposing, advancing or influencing legislation affecting the department or its personnel except by permission of the Police Commission. Nevertheless, in 1970, the department actively proposed, endorsed and vigorously supported Proposition I which sought to amend Charter provisions concerning the police department. Yet the minutes of the Police Commission do not indicate that this action was ever approved. Officers solicited signatures and votes for that Proposition while in uniform. In wearing the uniform they violated no provision of the Rules and Procedures but they ignored good police practice of wearing the uniform only while on duty. Many citizens of San Francisco were justifiably indignant about the way policemen were allowed to solicit support for Proposition I.

2. The Inadequacy of Discipline and the Lack of Safeguards to Protect Officers and Citizens

Even when discipline is imposed, it must be strong enough to deter the officer and others from misconduct in the future. Light

3

After Chief Nelder took office and made new top appointments, the Mayor publicly commented that many of the Chief's appointees had supported the Mayor's rival in the last election. We applaud this, but the point is that police officers should not publicly support any candidates.

or ineffective discipline indicates to officers as well as to citizens that the department condones misconduct and is not serious about accountability.

A disturbing example is the practice of reassigning officers to an unpopular job or unit as discipline for poor performance or misconduct. For years, for example, both the city prison and Potrero Station have been regarded as disciplinary posts. The effect of that practice on the morale of the many good officers assigned to these stations is obvious.

At Potrero Station officers commented that they felt that they were not going to be criticized, inspected, or adequately supervised; therefore discipline and its consequences were of little concern to them. One officer stated that although he realized that by assignment to Potrero Station his status was at "the bottom of the totem pole," the assignment had its advantages. "For instance, I don't have to worry about my uniform, I don't have to worry about passing inspections all the time. Nobody is going to worry about the width or length of my sideburns. I really don't have to worry about getting punished or disciplined." Another officer commented, "When you're at Potrero, you're at the very bottom of the list. You can't go down any further so if you get transferred from Potrero you must be on your way up." Similar comments were also made by radio car officers in the Northern Station;

they too feel that they are "at the bottom of the list."

Supervising officers report that it is not unusual for them to have to accept an officer who has been transferred from another unit for disciplinary reasons. One supervisor spoke of the difficulty he had in finding a place in his unit for an officer who had been found cheating on a civil service examination and was a known troublemaker.

The policy of transferring an officer for disciplinary reasons is obviously a bad one. It cannot solve disciplinary problems, it makes them worse, and it shatters the morale of the vast number of good officers.

The safety of both the officers and the community is jeopardized by the failure of the administration to take appropriate action when men have obviously become emotionally unstable or mentally ill. Such men should be offered psychiatric help and given sick leave if necessary. If they fail to respond, they should be terminated from the department. During the period they are unfit, they should not be allowed to carry firearms. We are not suggesting that there are many such men. But there are some, and they are known to the officers who work with them or supervise them.

We offer two examples:

1. Our staff saw one officer carrying an attache case while working in the city prison and were told by other officers that the case contained a gun so that the officer could protect himself if the Communist revolution suddenly took place and the jail was stormed. The officer himself stated that he had sent his family to another state so that they would be safe when the revolution occurred. This matter was reported to the Chief, and the officer was merely reminded that carrying a gun in the city prison was against regulations. Apparently there was no further action and no further inquiry into the officer's competence to continue on the force.

2. A sergeant, riding one night with a patrolman, stopped a boy on the street. The boy's story was that he had just left the home of a friend with whom he had been repairing a car. While the patrolman left to check the story, the sergeant accused the boy of being a part of "the conspiracy" and demanded that he confess. The patrolman returned and reported that the boy's story was true, but the sergeant insisted on arresting the youth. When the patrolman protested, the sergeant drew his service pistol and at gunpoint forced the patrolman to take the boy to the district station. Upon arrival, the other officers on duty immediately appraised the situation and, getting the sergeant out of the way on a ruse, drove the boy

back to where he had been picked up and released him with an apology. Subsequently, the sergeant was sent to the county hospital for a psychiatric examination. When we last inquired, we were told he had been assigned to duty in the Hall of Justice. An officer at the station said that he had long been dreading just such an incident, because the sergeant was obviously sick. When told of the incident by our staff some weeks after it occurred, the Chief stated that he had never heard of it. Certainly the Chief should have been alerted by his own officers, rather than first hearing of it from our staff. Our staff never received an answer to its inquiry whether the sergeant had been transferred to this station because of his emotional problems. That question had been asked because, some months before, another officer, who was subsequently tried for manslaughter, had been assigned to the same station after incidents raising doubts about his emotional stability.

These cases are not cited to imply that there are many unfit men in the department, but they are cited to illustrate the breakdown in proper supervision and control.

3. Varying Disciplinary Standards

The absence of a uniform code of conduct and of procedures for investigating misconduct has resulted in great variations in disciplinary standards among the bureaus and units. Virtually every supervising officer interviewed agreed that discipline is at best erratic. Strict

accountability is the rule in some stations, but the almost complete lack of discipline in others undermines the attempts of the better supervisors. Many feel that it would be unfair to report officers under them for conduct which is no worse than that of others who are not disciplined.

One lieutenant at a district station said that he made a determined effort to rate each man under his supervision carefully. He considered himself a strict evaluator and was upset when he found that he was giving lower ratings to sergeants on his shift than were being given to other sergeants whose work he believed inferior to that of his own men. This clearly illustrates the type of problems that arise when a department does not follow a policy of strictly and uniformly holding all officers accountable for compliance with departmental regulations.

Officers at all levels and ranks gave reasons why discipline is uneven. Many stated that officers with influential connections are immune from punishment and violate regulations with impunity.

Even when proper discipline is attempted, some supervisors report it is difficult to get all the information necessary for a complete investigation of the alleged misconduct.

A number of internal investigations have been thwarted by the refusal of officers, acting on the advice of counsel, to discuss matters with department investigators. While a police officer is,

of course, entitled to the exercise of his constitutional rights, he is not entitled to keep his position as a law enforcement officer if he refuses to cooperate with departmental investigations into the performance of his duties. Justice Holmes once remarked that while a man has a constitutional right not to testify against himself, he has no constitutional right to be a policeman. In other departments, the refusal to relate facts concerning performance of one's duties is grounds for immediate suspension or dismissal.

II

Discipline, Citizen Complaints and the Need for an Internal Affairs Bureau

If discipline is to be improved, there will have to be changes in the department's procedures. The Rules and Procedures do not set standards for the entire department, and there are insufficient descriptions of procedures for investigating reports of misconduct.

Section 8.101 of the Rules and Procedures requires a lieutenant to "take proper action and immediately report" to his commanding officer and to the Chief of Police any member of his company who should not be entrusted with police authority because of misconduct. But there is no clear description of the "proper action" to be taken. And such reports are rarely submitted. When they are,

the Chief may decide that no further action should be taken, or he may assign the matter for investigation to the Bureau of Complaints, Inspection and Welfare, to an ad-hoc committee of captains or other officers, to the Director of the Bureau of Personnel, or to the officer's supervisor. Although there are written directives on investigating most crimes, there are insufficient guidelines for investigating officer misconduct. If an effective discipline system were operating, a good deal of improper performance and conduct would be controlled and stopped before it grew into situations resulting in citizen complaints. Once that happens, there is a natural banding together of officers to protect one of their own from outside attack. It would be far better if action initiated from within, and the department took the initiative in cleaning its own house.

Further, in cases where misconduct is called to the attention of the Chief or the Police Commission, they have been reluctant to exercise their broad powers to suspend and otherwise discipline officers. Whatever the cause, the result is to undermine the attempt of the conscientious supervisor to investigate and discipline misconduct.

An example:

The Crime Committee staff noted in the minutes of the Police Commission that a policeman had been charged by his commanding

officer with conduct unbecoming an officer. The substance of the situation was that the policeman, while off-duty, had followed his wife and a male companion to a location in a nearby county. The policeman talked with her companion. When the man hastily left the scene, the officer fired four shots from his service revolver into the tires of the man's car. The Police Commission, after finding these facts, disposed of the matter by fining the policeman \$25 and ordered that he be reprimanded by his commanding officer. Various supervisory personnel said that the lightness of this punishment was thoroughly demoralizing to supervisors who wanted to maintain strict discipline. They compared it with the severity of a two day suspension recently given an officer for sleeping in a radio car, which cost the officer about \$90. Many supervising officers said that they do not recommend discipline for improper conduct because they are convinced that no action will be taken by the department. Officers were afraid that the primary effect of requesting disciplinary procedures against an officer under them would be to jeopardize their own position in the department. Some are reluctant to discipline men under them for fear of discrediting the operation of their or their superior's department.

Many police departments have improved their disciplinary system by creating an internal staff unit which conducts disciplinary investigations. A primary recommendation of this report is that

the San Francisco Department immediately create an Internal Affairs Unit staffed by carefully chosen men of the highest integrity and objectivity. Its primary purpose would be both to initiate and to investigate complaints of misconduct. We believe that a properly functioning unit would be welcomed by officers and citizens alike and would increase respect for the integrity of the department. We believe that an Internal Affairs Unit can do the necessary job much more effectively than any "citizens review board." We also believe that, if it will, the department can police itself effectively.

We realize that disciplinary controls are a problem in all departments. But we believe that the job can be done from within if a real effort is made. Only if that effort fails should other alternatives be sought.

Proper handling of citizen complaints of police misconduct is very much part of the disciplinary system. The number of times policemen have used excessive or unjustified force, or otherwise improperly treated a citizen, cannot be known with certainty. However, discussions with community representatives and minority group members disclose a widespread belief that such incidents are not rare and that a major cause of hostility to police in minority communities is the lack of effective channels for redress of complaints against police conduct.⁴ Crime Committee members have

personally observed the use of excessive force. Typically the mistreatment was in response to provocation, but it was nonetheless unjustifiable. A few officers, named again and again as having a reputation for roughness and disrespect for citizens, appear never to have been required by the department to stop such conduct. We pass no judgment here on any particular incident or officer, but we do note the important fact that in virtually none of the incidents was discipline initiated from within the department. Interviews with department personnel confirm that an officer is almost never reported or disciplined for treating a citizen too roughly, unless extraordinary public attention is attracted.

In light of contemporary social tensions, there can be no doubt about the critical importance of carefully and impartially investigating and handling citizen complaints.

The Michigan State University Field Survey contains a convenient check list for the adequacy of a department's complaint machinery:

1. Is there policy or law requiring that all complaints be recorded at a central point to insure proper control and future retrieval?
2. Is there policy or law that prohibits all employees from attempting to discourage any civilian from making a complaint?

3. Does the department make deliberate attempts to cause the complainants a minimum of inconvenience and embarrassment?
4. Is the machinery for hearing and processing complaints adequate, in the sense of fair, impartial, objective, etc.?
5. Is the machinery adequately publicized and interpreted so that all citizens know this and can get further assistance if they need it?
6. Are all complaints adequately investigated?
7. Are there reports to the party making the complaint so that he is aware of developments from the time he makes the complaint until the time of disposition?
8. Does the department have a reputation of integrity with the entire community? (Do all members of the community consider it their police department?)
9. Is there an avenue for formalized appeal of police decisions? (pp. 228-229).

Unfortunately, very few of these questions can be answered in the affirmative in San Francisco.

In October 1965, the San Francisco Police Department created the Bureau of Complaints, Inspection and Welfare, for the principal purpose of investigating citizen complaints. However, under paragraph 13 of Permanent Order No. 2, the Chief is not required to assign all citizen complaints to the bureau. Paragraph 13 authorizes assigning them (1) to the commanding officer of the member against whom the complaint is made; or (2) to an investigative board which may consist of the member's commanding officer,

the commanding officer of the Bureau of Complaints, Inspection and Welfare, the supervising commanding officer of the member's division, the director of personnel, the deputy chief of police; or (3) to "any other member of the department assigned by the Chief of Police." As a result, citizen complaints have often been assigned for investigation outside the Bureau of Complaints, Inspection and Welfare.

Paragraph 16 of Permanent Order No. 2 requires that a central index of complaints be kept; however, this section of the order does not appear to have been followed. Therefore, there is no complete record of the disposition of complaints received by the department and there is no way to make certain that complaints are being systematically investigated. Moreover, the department does not study data on the types of complaints, the locations from which they originate, their disposition, the officers or units involved, or other information which might suggest areas requiring administrative changes.

The department does not actively encourage citizens to file complaints when they believe an officer has acted improperly. Complaint forms are not made available at all stations in the city, anonymous complaints are not accepted, and community leaders have reported many cases in which citizens attempting to submit complaints have been intimidated. Whether or not these reports are well-founded, the department has taken no steps to make certain that

intimidation does not occur.

The machinery for hearing, processing and investigating complaints is inadequate. Neither Permanent Order No. 2 nor any other document prescribes a procedure to be followed in handling complaints. Permanent Order No. 2 does state in paragraph 19 that "in complaints alleging the use of excessive force and other serious complaints, questions and answer statements shall be taken from the complainants, witnesses and police officers." However, examination of the files of the Bureau of Complaints, Inspection and Welfare by the officers on the Crime Committee staff revealed that the investigations were not up to professional standards. Statements taken from witnesses are rarely, if ever, in the handwriting of the witness. They are usually a report by the officer summarizing or restating what the witness told him. The procedure would be vastly improved if the police investigators were required to follow the normal procedures employed by all good investigators: have the witness submit the statement in his own handwriting. If this is not possible, the office should (1) reduce the statement to writing, read it back to the witness and have him sign it or (2) have it taken down by a shorthand reporter, typed, and allow the witness to read it, and sign it.

The files also showed that available witnesses were not interviewed, and information called to the bureau's attention was not thoroughly investigated. Examination of the complaint

files gave no indication that citizen complaints have been properly investigated by the bureau.

Although paragraph 23 of Permanent Order No. 2 requires the Bureau of Complaints, Inspection and Welfare to inform each complainant of the results of the investigation, many citizens complain that this is not done. Staff was told that standard procedure in the bureau is to notify the citizen of the disposition by telephone. To avoid question, notification should be given in writing.

Many methods of processing citizen complaints are in use in other departments, but it is safe to say, no department has found the perfect solution. In some, complaints are referred to investigators outside the police department. Citizen review boards have been used either to evaluate complaints initially or to review the results of a departmental investigation. There are still other possible procedures.

Inasmuch as San Francisco has a Police Commission of citizens, there already exists a basis for review by citizens of citizen complaints. Unfortunately, the decisions of the Police Commission are necessarily based on the comprehensiveness and objectivity of the facts given them by the officers who conducted the investigations. And these investigations have been inadequate.

The quality of these investigations would be improved, if the Police Commission regularly spot-checked them. Either an individual Commissioner, or the Commission as a whole, should from time to time, take a case after investigation by the department, and require all witnesses to testify and all evidence to be produced before the Commissioner or the Commission.

Earlier in this Report, we recommended that the Police Commission should have a staff of its own. Perhaps this staff should be used to investigate complaints. But before this is even considered, the Commission should first create and experiment with an Internal Affairs Unit within the department.

The reasons for creating such a Unit as well as its duties and obligations are clearly set forth in the Municipal Police Administration's chapter on "Internal Controls," written by two experienced police administrators. We endorse their reasons and recommendations. Because of the importance of the subject, we include their statement as an appendix to this chapter.

The Committee recommends:

(1) That an Internal Affairs Bureau be created to investigate disciplinary matters;

(2) That the Rules and Procedures and other written directives of the department set forth in clarity and detail the conduct expected of each officer so that he can fairly be held accountable for his actions;

(3) That discipline throughout the department be tightened and uniformly administered;

(4) That the policy of making disciplinary transfers and the "whitewashing" of misconduct be stopped;

(5) That whenever possible the statement of a witness be given in his own handwriting. If this is not feasible, the statements should be taken by a shorthand reporter and signed by the witness after he has read it, or taken down by the officer and signed by the witness after he has read it or it has been read to him;

(6) That the Police Commission regularly spot-check the quality of investigations by holding hearings at which all witnesses are called to testify and all evidence is produced;

(7) That citizens be notified in writing of the disposition of their complaints.

APPENDIX

Excerpt from the Municipal Police Administration
(1970) pp. 203-204

Internal Affairs

A specialized aspect of internal controls is known as internal affairs—a term perhaps adopted as a euphemism to soften the stronger term describing concern with breaches of integrity. The unit responsible for such matters, in fact, often is called the internal investigations unit.

Normally, as has been stressed earlier, discipline is a proper function of command. The formation of an internal affairs or internal investigations unit in no way detracts from a commanding officer's status or responsibility. The handling of many breaches of conduct remain his prerogative; for this not to be the case would render him impotent as a commanding officer. Nonetheless, there are circumstances which suggest, indeed dictate, the conducting of investigations of certain offenses by a staff unit rather than the concerned line unit.

There is a clear parallel between staff inspections and staff-conducted personnel investigations. Line officers may lack time and facilities to conduct adequate investigations; other factors, however, are more compelling. Supervisory or command officers may be involved with subordinates in cases of alleged misconduct, they remain vulnerable to charges of self-protection, or "covering up" misconduct, and the public and public officials tend to place more confidence in such externally-controlled investigations.

In large departments, there should be full-time internal investigations units; in smaller ones, investigators may be appointed on an as-needed basis; and, in very small departments such investigations usually will fall on the chief. In some cases other jurisdictions may be called on for assistance. The internal affairs unit, as the inspections unit, should be placed organizationally close to the chief—if not reporting directly to him it should report to a principal staff officer. In any event, it must have ready access to the chief.

The unit should be responsible for receiving and recording complaints against personnel, for initiating and completing investigations, for reporting to the chief of police (and designated command officers within prescribed controls), presenting cases to internal disciplinary boards, the personnel office, the civil service commission, or the prosecutor, and reporting on the disposition of cases to complainants. In addition to receiving complaints from a variety of sources—citizens, other officers and public officials, and other agencies—the unit has a responsibility to ferret out cases of serious misconduct and, thus, to initiate actions independently.

The internal investigations unit clearly has responsibility and authority to conduct, or supervise and control, investigations of the following situations and circumstances or conditions and to make appropriate reports:

1. Any allegation or complaint of misconduct made by a citizen or other person against the department or any of its members.

2. Any alleged or suspected breach of integrity or case of moral turpitude from whatever source it may be reported or developed.

3. Any situation where an officer has been killed or injured by the willful or deliberate act of another person.

4. Any situation in which a citizen has been injured or killed by an officer, whether on duty or not.

5. Any situation involving the discharge of firearms by an officer.

In addition, the unit has a responsibility for:

1. Assisting in any disciplinary case when requested to do so by a commanding officer or instructed to do so by the chief of police.

2. Assisting any member of the department by investigating cases of personal harassment, threats, false accusations, or contrived situations which may be harmful to him.

3. Fully advising citizen complainants of the decisions and actions resulting from investigations it has made following receipt of complaints. Such follow-up is essential to developing sound police/public rapport and will tend to enhance the public's willingness to bring complaints or suspicious circumstances to the attention of the department.

The very character of a department, as well as its reputation, may rest on an adequate program of internal investigations. Clearly, the chief of police can ill afford to overlook the important matter of internal investigations. To do so may jeopardize departmental efficiency, depress morale, undermine public confidence, and destroy interagency confidence and cooperation. Formation of an internal controls unit requires careful explanation within the department and widespread publicity. It should be emphasized that the unit is a fact-finding body and equally as interested in establishing innocence as guilt.

The public should be encouraged to report matters of misconduct to the unit, openly and with identification—but anonymously if this is the complainant's wish. Available for such reporting should be a direct telephone line to the unit and perhaps a post office box number—both of which may strengthen the public's willingness to communicate complaints. It should be made clear that the internal affairs unit is concerned with serious violations on the part of personnel. It does not involve itself in inadequacies of procedural matters, incidents of tardiness, poorly written reports, matters of dress, or similar violations unless occasionally such violations may be indicative of something more serious, or at the request of a commanding officer. For the most part, such concerns are the focus for the staff inspection element of the department. The internal affairs element is concerned with citizen complaints of personal abuse or illegal actions, the unauthorized acceptance of gifts and gratuities, referring cases to bondsmen and lawyers, soliciting or accepting bribes, favored treatment of individuals or classes of people even though without bribes, accepting fees from towing and ambulance services, providing protection to vice operators, or commissions of burglaries, larcenies, or other similar crimes.

It is important that there be immediate recording of all complaints or suspect incidents or actions. The register of incidents should be maintained on a chronological basis and held in strict confidence—restricted to the chief of police and appropriate other commanding officers. Any incident coming to the attention of any officer should be reported promptly.

Members of the internal investigations unit should extend the same courtesies and apply the same investigating controls to internal cases as to external investigations. Procedures should be spelled out carefully so that not only adequate safeguards are provided but confidence in the process is gained as well by personnel.

Establishing a sound internal investigations operation and gaining internal and external acceptance is a difficult undertaking. Its potential value warrants great effort.

II. FELONY RELEASE

In 1969, the San Francisco Police Department made 12,900 felony arrests; 4740 or 37% of those arrested were subsequently released without ever being brought to court or having any criminal complaint filed against them.

This "felony release rate" was the highest of any county and the second highest of any major city in the State of California for that year.

A "felony release" is the release of a person without the filing against him of a criminal complaint after he has been arrested for suspicion of having committed a felony. The release is authorized by the police or by the district attorney. The release frequently occurs when an officer makes an arrest on the basis of evidence which the district attorney regards as insufficient to warrant a prosecution, or because the evidence has been obtained in such a fashion that it is not legally admissible in court.

Thus a high felony release rate is an indication that the police are not doing their job properly. There is no doubt but that some good arrests will always result in release without prosecution. For example, complaining witnesses may refuse to testify, or property quite apparently stolen and found in the hands of a known thief is not reported stolen by its lawful owner who cannot be located.

A certain number of unprosecuted arrests cannot be avoided. But for some years, San Francisco has had the highest or one of the highest felony release rates in the state, and this should be a matter of concern to the Police Commission and to the department.

Non-prosecuted arrests take up the valuable time and energy of arresting officers, the reviewing district attorney, and clerical workers who type and file the arrest reports. But, most important, non-prosecuted arrests inconvenience and embarrass the detained person. Those arrested are usually taken in a police car to the Hall of Justice, perhaps after being held for sometime in a temporary detention jail at a district station. They may be booked, fingerprinted, searched, photographed and have their personal effects taken from them. The arrested citizen then may go to the city prison. To be released, he may have to call friends or relatives to obtain a bail bond, for which he or his friends will have to pay a fee. The bondsman does not return this fee, usually ten percent of the amount of bail, even when the arrestee is later released.

Innocent citizens who are subjected to this arrest, detention and bail process, and who are subsequently released, are understandably angry. And if a sufficiently large number of people are subjected to it, widespread disrespect for the police department may result.

Thus, in terms of manpower costs, police efficiency, and community confidence, no police department can afford to have a higher felony release rate than is absolutely necessary.

A. Felony Release Statistics

This report has emphasized a number of times that the efficiency and effectiveness of a police department are very difficult to measure statistically. No single statistic or simple combination of figures can provide enough of an overall view to permit broad generalities about the department's quality.

And even if a particularly useful statistic is found, there are further problems. Comparisons with other departments in the state and throughout the nation are often invalid because of the varying criteria used by each department in recording and reporting data. Statistics may be manipulated locally to serve various purposes of the department or city administration. Or, department record-keeping may simply be sloppy and inaccurate. All of these explanations have been given by the staff of the Bureau of Criminal Statistics -- the state agency responsible for compiling California crime data.¹

¹The state statutes pertaining to BCS do not give the agency enforcement powers or penalties to ensure that local agencies report data honestly or uniformly. As a result, BCS is unable to assure the accuracy of some of its published figures. For instance, the Sacramento Police Department reports releasing only one felony arrestee, out of a total of 1880 arrests, in 1969. Investigation shows that this figure is inaccurate. Yet this is the figure that the department and BCS has reported. Crime and Delinquency in California, Reference Tables: Crimes and Arrests, State of California, Bureau of Criminal Statistics, 1969, p.35.

There are other reasons felony release statistics as an indicator of the quality of police work must be carefully examined. The policy of the local district attorney may be to file a complaint against most persons arrested by the police for a felony, and leave it to the courts to screen and dismiss bad cases.² When this happens, the release rate is no gauge of the quality of the arrests. Dismissals by the Municipal Court must also be examined and analyzed.³

Despite these problems with statistics, leading police administrators believe the felony release, if kept accurately, can be used as a measure of a department's effectiveness and efficiency. Therefore, although realizing the shortcomings of such statistics, no report on the police department can ignore the fact that San Francisco, by either absolute or comparative standards, has a high felony release rate as the following tables show:

² Despite the high felony release rate by the San Francisco District Attorney, many judges complain that the screening is not tight enough. The primary complaint, however, is that defendants are being overcharged with felonies instead of being charged with misdemeanors.

³ A recent study of 12 California counties (not including San Francisco) showed that in all those counties there was a lower felony release rate, but the percentage of cases dismissed by the Municipal Court was much higher than in San Francisco. For the year 1969, in only 670 cases in those counties were the persons released by the police or the district attorney. But 1667 defendants subsequently had their cases dismissed by the Municipal Court, and 485 cases were dismissed by the Superior Court. (Offender Based Criminal Statistics: Dispositions of Felony Arrests in Selected California Counties for 1969. Prepared by Ronald H. Beattie, Chief, Bureau of Criminal Statistics, California Department of Justice, Published by California Crime Technological Research Foundation, March 1971.) See Appendix to this chapter for a more detailed breakdown.

1
FELONY ARREST RELEASE - 1969
MAJOR CALIFORNIA CITIES

<u>City</u> ³	<u>Arrests</u>	<u>Released</u> ²	<u>%</u>
Anaheim	1387	234	17
Berkeley	2377	630	27
Fresno	2122	527	25
Glendale	855	236	28
Long Beach	3071	1095	36
Los Angeles	54,216	17,227	32
Oakland	6564	1857	28
Pasadena	1470	647	44
Riverside	765	79	10
Sacramento ⁴	1880	1	.05
San Diego	8216	2641	32
San Francisco	12,900	4740	37
San Jose	3139	772	25
Santa Ana	1202	296	25
Torrance	1223	381	31
Total State ⁵	198,157	48,959	25

¹ Crime and Delinquency in California, Reference Tables:
Crimes and Arrests, Bureau of Criminal Statistics, 1969,
Table III.

² By district attorney or police, prior to any complaint being filed.

³ Includes arrests by police departments only, not sheriff's offices.

⁴ According to the Bureau of Criminal Statistics, there are several reasons for the seeming disparity between the figures for Sacramento that appear here and in the chart on page 41. First, the figures above cover the city of Sacramento only, the chart on page 40 covers Sacramento County. The figures on page 40 also include arrests by the sheriff's office; the the figures above do not. And finally, the B.C.S. study showed many more felony releases than were reported.

⁵ Includes arrests by all police and sheriff's departments.

TABLE III-6

POLICE DISPOSITIONS OF ADULT FELONY ARRESTS, 1969

By Type of Disposition
Separate Totals for Counties of Over 100,000 Population

County	Total arrested	Police disposition of arrests				Percentage of total arrests			
		Released	Other juris- diction	Misde- meanor complaint filed	Felony complaint filed	Released	Other juris- diction	Misde- meanor complaint filed	Felony complaint filed
Total State	198,157	48,959	10,176	27,253	111,769	24.7	5.1	13.8	56.4
Los Angeles	98,634	30,263	7,226	16,690	44,455	30.7	7.3	16.9	45.1
State less Los Angeles. .	99,523	18,696	2,950	10,563	67,314	18.8	3.0	10.6	67.6
Counties of over 400,000 population									
Orange	11,464	1,986	533	1,470	7,475	17.3	4.6	12.8	65.2
Riverside	3,580	258	98	81	3,143	7.2	2.7	2.2	87.8
San Bernardino	5,152	790	206	229	3,927	15.3	4.0	4.4	76.2
San Diego	11,717	3,206	283	2,149	6,079	27.4	2.4	18.3	51.9
Alameda	12,711	2,756	123	1,172	8,660	21.7	1.0	9.2	68.1
Contra Costa	3,234	757	51	416	2,010	23.4	1.6	12.9	62.2
Fresno	3,261	1,048	298	94	1,821	32.1	9.1	2.9	55.8
San Francisco	12,932	4,740	18	1,811	6,363	36.7	0.1	14.0	49.2
San Mateo	2,721	157	77	125	2,362	5.8	2.8	4.6	86.8
Santa Clara	5,968	1,101	137	1,356	3,374	18.4	2.3	22.7	56.5
Sacramento	3,727	90	160	9	3,468	2.4	4.3	0.2	93.1
Counties of 100,000 to 400,000 population									
Santa Barbara	1,369	95	49	179	1,046	6.9	3.6	13.1	76.4
Ventura	2,341	238	72	166	1,865	10.2	3.1	7.1	79.7
Marin	1,022	84	34	69	835	8.2	3.3	6.8	81.7
Solano	1,152	33	21	39	1,059	2.9	1.8	3.4	91.9
Sonoma	1,080	41	25	64	950	3.8	2.3	5.9	88.0
Butte	419	23	9	39	348	5.5	2.1	9.3	83.1
Humboldt	478	18	4	20	436	3.8	0.8	4.2	91.2
Kern	1,808	196	61	229	1,322	10.8	3.4	12.7	73.1
Merced	596	86	25	66	419	14.4	4.2	11.1	70.3
Monterey	1,540	65	22	52	1,401	4.2	1.4	3.4	91.0
San Joaquin	1,812	46	32	48	1,686	2.5	1.8	2.6	93.0
Santa Cruz	955	95	44	114	702	9.9	4.6	11.9	73.5
Stanislaus	1,094	60	6	31	997	5.5	0.5	2.8	91.1
Tulare	966	110	39	47	770	11.4	4.0	4.9	79.7
32 other counties under 100,000 population. . .	6,424	617	523	488	4,796	9.6	8.1	7.6	74.7

B. What a High Felony Release Rate Indicates

Police administrators agree that a high felony release rate is undesirable. In any department, no matter how well administered, there will always be some non-prosecuted arrests. A police officer who finds an obviously impecunious man walking down an alley late at night with an expensive electric typewriter or television set in his arms, who explains that he has no local address and was just handed the set by a man whom he knows only as "Joe," has little choice but to arrest the man for suspicion of theft until the matter can be checked. Or, the officer who sees a man answering the description of a person who has just committed a rape, and has no proper identification or address where he can be reached, also has little choice but to take the suspect into custody. But while some legitimate arrests will result in release, it should be the policy of the police department to keep the number of these releases to a minimum.

1. Inadequate Training and Supervision

The laws of arrest, search and seizure and evidence are quite complex, and always changing. In order to be able to provide the district attorney with a case which can be prosecuted, arresting officers must be kept current with the law. Legal training at the police academy and continued in-service training must provide officers with both guidelines and understanding of these critical legal points. If training is inadequate a high number of cases that cannot be prosecuted after arrest will naturally result.

Officers also must be trained in making good arrest reports. Attention to detail and objectivity must be stressed. The arrest report is an important source of vital information upon which the district attorney must base his decision to prosecute. If it is incorrect or incomplete the D.A. may be forced to drop the charges against the arrestee.

Even if academy and in-service training are adequate, arrest procedures must be supervised. Supervisory personnel must see that arrests and arrest reports are of consistently high quality. Poor performance should be corrected, directives improved, additional instruction given, and if necessary, discipline must be administered. If there is to be quality control, supervisors as well as arresting officers should receive reports on the ultimate disposition of arrests for which they are responsible. No such procedure now exists.

2. Poor Communication with the District Attorney

Not only must arrests conform to the requirements of the law, but they also must be made with knowledge and understanding of the prosecutorial policies of the district attorney's office. Offices in different cities may have different criteria for filing felony complaints, depending on the amount of evidence required by the district attorney before he will prosecute, the caseload of the district attorney, the backlog in the courts, the policy and attitudes of the courts, and

the district attorney's interpretation of the criminal statute involved. The D.A. may refuse to prosecute those arrests which do not conform to his criteria. And if a large number of arrests are made without regard to all these factors, the felony release rate will be high.

It is therefore important that the D.A.'s charging policies be communicated to arresting officers. District attorneys should be used as arrest and search and seizure instructors.⁴ Any changes in prosecutorial policy should be regularly transmitted to the department to allow it to adjust its procedures accordingly.

3. Making Arrests Which the Department Knows Will Not be Prosecuted.

A department that has a high felony release rate may be arresting people whom it knows cannot be prosecuted. Officers may be wilfully ignoring arrest laws as well as the D.A.'s prosecutorial criteria. These arrests may be occurring for a number of reasons: the arresting officers may think such arrests are good police work even if no prosecution can result because contraband will be taken out of circulation, or a potentially dangerous situation may be temporarily cooled off, or similar conduct by others will be deterred. Or, officers may be

⁴ Since 1970, Chief Nelder has used members of the District Attorney's Office to give instruction on search and seizure.

making arrests because they believe correctly or incorrectly, that their department encourages many arrests irrespective of quality, or that their abilities as officers are measured by the number of arrests they make. Whatever the reasons, we agree with the Task Force comment that:

"The current practice of using the arrest power in situations in which there is no intent to submit the case for prosecution is deplorable. Police departments, therefore, should establish policies which specifically prevent illegal harassment arrests, and which direct that arrests be made only if probable cause exists that a crime has been committed."⁵

The economic consequences, stigma, inconvenience, and embarrassment resulting from arrest are so great that arrests should be carefully screened by supervisory personnel to make certain that the arrest is justified, and that there has been no abuse or mistake. Such screening and supervision rarely occurs within the San Francisco Police Department.

Supervision and control must, of course, be preceded by a clear and unmistakable policy set by the Commission and by the Chief.

Because of the poor quality of supervision, discipline and training pointed out in this Report, it is not surprising that the San Francisco Police Department has a high felony release rate. If

⁵
Task Force Report: The Police, p. 187

these conditions are remedied the rate should decline, and fewer citizens will be unnecessarily detained and inconvenienced.

However, to bring about the decrease, the department must recognize the importance of felony release statistics as a legitimate measure of its efficiency and effectiveness, and understand the necessity of bringing the rate down. Unfortunately, discussions with patrol and investigative personnel in the department reveal that many believe a high felony release rate is not undesirable. These officers, including supervisory personnel, believe that even if the evidence will not support a prosecution, an officer who observes what he considers suspicious conduct has a duty to the department and the community to make an arrest.

This view, prevalent among many police officers, is unacceptable to this Committee. We cannot agree that arrests should be made as a preventive measure before the commission of a crime.

In contrast to the heavy screening of felony arrests, the D.A.'s office appears to do very little screening of misdemeanor arrests.⁶ The reasons for the high number of felony arrests that cannot be

⁶In 1969, the department arrested 30,925 persons on misdemeanor charges. A misdemeanor complaint was filed in every case. Crime and Delinquency in California, Reference Tables: Crimes and Arrests, State of California, Bureau of Criminal Statistics, 1969, p.50.

prosecuted would seem also to apply to misdemeanor arrests. Therefore, we wish to re-emphasize the recommendation in our Report on the Public Defender's Office that the District Attorney adopt a procedure for screening misdemeanor arrests before a complaint is filed.⁷

The Committee recommends:

(8) That the Commission and the Chief should use the felony release rate as one measure of the department's effectiveness and efficiency. The rate should be reviewed regularly and appropriate measures taken to see that policy is being followed;

(9) That all felony and misdemeanor arrests be screened by police supervisory personnel before they are presented to the district attorney.⁸ When an arrest is not followed by prosecution, the arresting officer and his supervisor should be notified of the reasons;

(10) That accurate records be kept of the disposition of arrests to facilitate administrative review;

⁷ A Report on the San Francisco Public Defender's Office , The San Francisco Committee on Crime, 1970, p.25.

⁸ This recommendation is similar to the recommendation made in the chapter on Patrol. See also this Committee's Report on the San Francisco Public Defender's Office, pp. 10, 25.

The Committee recommends: (Cont'd)

(11) That the department collaborate closely with the district attorney and take all appropriate measures to ensure that all officers are aware of the prosecutorial standards of the district attorney's office.

DISPOSITION OF FELONY ARRESTS FOR 1969*

Total Dispositions	No. releas. by police	% releas. by police	No. dismis. by Muni. Court	% dismis. by Muni. Court	No. dismis. by Super. Court	% dismis. by Super. Court	Total % dismis. by police & all courts
Sacramento	3402	229	6.7	810	23.8	2.9	33.4
San Joaquin	1813	103	5.7	370	20.4	8.2	34.3
Stanislaus	1059	68	6.4	146	13.8	13.2	33.5
Humboldt	389	59	15.2	61	15.7	2.1	33.0
Mendocino	379	21	5.5	50	13.2	7.9	26.6
Butte	369	56	15.2	57	15.4	2.7	32.8
Placer	344	54	15.7	79	23.0	5.8	44.5
Napa	189	24	12.7	24	12.7	1.6	27.0
Sutter	138	5	3.6	19	13.8	5.1	22.5
Lake	112	19	16.9	14	12.5	2.7	32.1
Del Norte	105	27	25.7	22	21.0	12.4	59.1
Plumas	50	5	10.0	15	30.0	6.0	46.0
San Francisco (last 6 mos. 1969 only)	5287	1864	35.3	636	12.0	1.7	49.0

*Figures include dispositions and releases for police and sheriff departments.

Source of Chart is given on page 31 footnote 3.

III. BUREAU OF INSPECTORS

The basic job of a detective (in San Francisco we call him an "inspector") is to investigate certain designated types of serious crimes in order to arrest and convict the perpetrators and recover stolen property. When a crime has been committed and the perpetrator is unknown, the detective's task is to find out who did it, and make the arrest. If an arrest has been made by the patrol division, the detective's job may include securing additional evidence so that the case may be successfully prosecuted, determining whether other people are also involved in the crime, and doing other types of follow-up investigations that are frequently necessary in major cases.

How well is the Bureau of Inspectors performing these jobs?
Not very well.

From 1959 to 1969, while the number of reported major crimes increased from 26,000 to 83,000, the number of inspectors in the San Francisco Police Department increased only from 188 to 193. The number of arrests made by inspectors for major crimes decreased by half -- from 1266 to 634.¹ Whatever may be the explanation of these figures, they do show that the bureau is not performing well. And the general reasons are not hard to find.

¹
Annual Report, San Francisco Police Department, 1959 and 1969. Note also: the total number of arrests made by the Bureau of Inspectors decreased from 4273 in 1959, to 2638 in 1969.

In 1969, Richard Ward, a detective in the New York City Police Department, and Richard Natoli, a detective in the Framingham, Mass. Police Department, working under the auspices of the School of Criminology at the University of California at Berkeley, made a study of the Bureau of Inspectors.² Their 80-page report, which was completed in December 1969, found major operational and organizational deficiencies in the bureau. These deficiencies reveal why the bureau has not been performing its job well, and what must be done to strengthen it.

Their findings are consistent with those of the staff of the Crime Committee which conducted an independent examination of the bureau. Because conditions have changed very little since the Ward-Natoli Report was issued and presented to the department, the Committee commends the full report to the attention of the Police Commission and the department. This chapter will discuss some of the major areas in which changes are required.

A. Inspectors Spend Too Little Time on Investigation

A major disturbing fact that emerges from the Ward-Natoli and staff studies is that inspectors spend too little time investigating crimes.

² Detectives Ward and Natoli were at Berkeley on a grant from the Law Enforcement Assistance Administration of the United States Department of Justice.

Ward and Natoli, after analyzing the work of the burglary detail, state:

It becomes apparent, then, that the average detective spends only about 30 per cent of his time conducting investigations, although this should be his primary function. One should recognize, also, that these figures are computed on the basis of the burglary detail, and there may be some fluctuations in either direction in other details.³

Ward and Natoli estimated that an inspector spends only 621 hours a year handling investigations; the balance of his working time is spent reading reports, calling complainants, appearing in court, serving on non-investigative details, and performing a variety of other duties.

The failure to increase the size of the bureau despite the substantial increase in major crimes over the past 10 years, suggests that the bureau is undermanned. But it is difficult to tell how short-handed the bureau is, because the time and manpower resources of the bureau are now being used inefficiently. There is no doubt that the bureau as a whole has a very heavy workload,⁴ but this workload could be reduced by better administration.

³
Ward-Natoli Report, pp. 60, 61.

⁴
The average caseload in the burglary detail is 63 cases per month per man; in the general works detail, the average number of cases per month per man is 83.

1. Too Many Cases are Sent to the Bureau Because of Poor Screening.

One of the main causes for the excessive workload in the Bureau of Inspectors is the absence of a system of screening reports before they are referred. Until recently, almost every crime report prepared by a patrol officer was automatically referred to the bureau and then assigned to an inspector in one of the investigational details. Ward and Natoli estimated, on the basis of 1968 figures, that a lieutenant in burglary who spent five minutes reading each report sent to his detail, would spend 13 of his annual 48 working weeks on that job alone. If each inspector devoted equal time to each case assigned him, he would only have about one hour to spend on each case. Ward and Natoli estimated that if the cases which seemed to have little possibility of being solved or for various reasons did not appear to warrant investigation were screened before referral to the Bureau of Inspectors, the bureau's case load would be reduced to from 50 to 80%.⁵

As a result of informal recommendations by the Crime Committee staff, the bureau has begun screening process to eliminate many reports of petty thefts formerly forwarded to the Bureau of Inspectors. But a far more sophisticated system is necessary to screen out those cases which do not merit investigation. First, the district station lieutenant who approves a report should determine whether the case is appropriate

⁵ Ward-Natoli Report, p. 65.

for forwarding to the Bureau of Inspectors, or whether it can be handled by station personnel. Then a second screening should take place in the bureau itself to determine whether it is worth further investigation and which unit should handle it. After a case is referred to a unit in the bureau, the head of the unit should determine whether it has a high or low priority. These screening processes are not being used.

2. Inspectors are Not Assigned Cases Systematically and Their Work is not Properly Supervised.

The case assignment technique employed by the bureau can be substantially improved. No consideration is given the probability of the case being successfully investigated.⁶ In most details, the cases received are usually assigned simply on a rotational basis. Each inspector decides which cases he will investigate, in what priority and in what depth. Tentative completion dates are not established and there is no follow-up by supervisors to see how much work has been done, whether the case has been disposed of, and whether it should be closed or kept open.⁷ In more efficiently administrated detective bureaus a record is made of the date each case is assigned and after a prescribed number of days, a supervisor checks on its status. A

⁶Ward-Natoli Report, p. 30.

⁷The 1957 Bruce Smith Report made the same observation, p. 37.

record is kept of the cases assigned to each detective so that case loads can be kept balanced and each man's performance evaluated. No such assignment system exists in San Francisco.

This poor case assignment technique is symptomatic of a problem that pervades the entire department -- almost complete lack of supervision. There are no intermediate level supervisors in the Bureau of Inspectors. Each inspector reports directly to his detail commander, and each of the 12 detail commanders reports directly to the chief of inspectors. This span of control is much greater than that recommended by police administrators.⁸ There is a great need for intermediate supervisors in most of the details. Perhaps the details themselves should be grouped into divisions, with each division headed by an officer who reports directly to the chief of inspectors.⁹

As Ward and Natoli pointed out, the lack of supervision and adequate data make it impossible to evaluate the performance of

⁸ In 1969 the span of control varied from 41 people being supervised by a lieutenant in burglary to 8 persons being supervised by the lieutenant in charge of the Crime Prevention Unit. Ward-Natoli Report, p. 12.

⁹ See p. 55 of this chapter.

individual detectives. They reported that:

A summary breakdown of one detail appears to indicate that 90 per cent of the arrests -- arrests being just one measure of effectiveness -- are being made by less than 50 per cent of the detectives assigned.¹⁰

They stated that they were not able to do a similar study of each detail and "caution must be used in applying such figures to the bureau as a whole," but said the figures suggest a need for analyzing the entire operation. We agree. A number of inspectors from various details told Committee staff that one of the reasons morale was low in the bureau was that some inspectors were doing most of the work, while others did little or nothing. This is a result of inadequate supervision.

3. Two Man Investigative Teams are Wasteful.

Notwithstanding the Department's claim that the system of two men teams has been discontinued, the fact is that most of the inspectors in the bureau work in pairs. This results in duplication of efforts and a considerable waste of manpower. The practice should be discontinued. We endorse the following principles which are stated in Municipal Police Administration:

Except in unusual circumstances, investigators should be assigned to work alone, and not in pairs. Most investigations may be made more effectively by

¹⁰Ward-Natoli Report, p. 61.

one investigator, and the economy of using one investigator on a case should be apparent to the police administrator. In addition, most investigations do not present unusual physical hazards. However, when an investigator is engaged in a dangerous investigation or is poised to make an arrest which predictably may result in a contest, investigators should be assigned in sufficient numbers to assure their safety. But when the hazard ceases, operatives should again work singly. The President's Crime Commission staff reports:

Since the bulk of a department's investigative work is routine, the widespread use of investigating teams is an unnecessary waste of manpower . . . A basic pattern of one-man plainclothes investigations, with exceptions as conditions indicate, would have the effect of increasing the effective manpower of those detective divisions in which two-man teams are presently the rule.¹¹

4. Inspectors Spend Too Much Time on Clerical and other Low Priority Tasks.

A shortage of clerical help in the bureau adds to the already excessive amount of paperwork required of inspectors. The inspectors spend a great deal of time typing reports, filing, getting documents from the files and answering unimportant telephone calls. Additional secretaries are badly needed.

In addition, the large number of case assignments results in inspectors actually spending less time on investigation. A substantial amount of time is spent by inspectors on what is called the

¹¹M.P.A., p. 132 .

"P.R." (public relations) job -- keeping the victims "happy."

Because of the excessive number of cases assigned him, an inspector may spend considerable time calling victims and assuring them that even though they may not hear from the department for some time, their cases are being worked on. Because there are so many cases, the case may not be looked at again unless it is a major one, the victim is either prominent in the community or keeps calling in for progress reports, or unless some break occurs which results in the case being solved. Because the inspector cannot possibly work on all cases assigned to him, he has little choice but to try and placate or keep happy as many citizens as possible. Thus, many inspectors are public relations men more than they are detectives. This is not their fault; they are the victims of the present inadequate "system."

5. Records are Poorly Kept.

The bureau has no standardized system for writing and filing supplemental reports.¹² Supplemental reports should show the work that has been done on a case, the results of the investigations conducted, and should be kept up to date in the case file for ready reference. This is not usually done. Most inspectors either do not

¹²

The situation has apparently not changed since 1957, when Bruce Smith reported: "Detective reports were in a brief and generally disorganized form, not consistent with the best practice. It is recommended that investigators be required to prepare in proper form supplemental and clear up reports as new significant information is collected." (p. 37).

have or take the time to type or dictate a supplemental report. They make notes on a 3 x 5 card or on any piece of paper that is handy and put it in the case file. Sometimes it goes into the file in an abbreviated form intelligible only to the inspector, sometimes the information only remains in his head. Thus, if a lieutenant wants to know the current status of a case he usually will not find the answer in the file. He must consult with the team of inspectors to whom it was assigned, or with the member of the team who is more familiar with it. If that inspector is out of the office, on vacation, or sick, the information cannot be obtained until he returns.

6. Other Problems

There are some other major problems in the Bureau of Inspectors. Officers assigned to the bureau receive no special training in investigation although POST recommends 80 hours of special training for all those entering a detective bureau. While detectives in most departments receive additional training every three years (also recommended by POST) there has been no in-service training of inspectors in San Francisco until this past year. Ward and Natoli reported that "lack of training in scientific evidence is common."¹³ Another problem is the system of tenure which permits inspectors to be removed from the bureau only for cause,¹⁴ and locks into it a number of officers who are miscast and unproductive.

¹³Ward-Natoli Report, p. 72 .

¹⁴City Charter, Secs. 35.3, 155.

B. Bureau Coordination

There is a distinct lack of coordination of units within the bureau, and a lack of coordination between the bureau and the patrol force. This results in duplication of effort and generally less efficient and effective investigation.

1. Coordination Within the Bureau

There is very little exchange of information between the twelve details which comprise the Bureau of Inspectors. There are no staff meetings or other procedures used for the systematic exchange and communication of information about crimes and suspects. This weakens the bureau's effectiveness.

2. Coordination with Patrol and the District Attorney's Office.

As Ward and Natoli reported, "there is . . . a serious lack of communication between the patrolman and the detective."¹⁵ Top supervising officers have told the Committee staff that they agree with this evaluation. The causes of this lack of liaison should be corrected.

Unlike many other departments, inspectors in San Francisco work only a day shift. Hence, they rarely come in contact with patrol

¹⁵
Ward-Natoli Report, p. 46.

officers on the night and early morning shifts. Not only does this impair intra-departmental coordination, but it is also inefficient in other respects. For example, according to Ward and Natoli, 65% of all crimes committed in the Mission district occur between 4p.m. and 8a.m., (44% are committed between 4p.m. and midnight.)¹⁶ Because inspectors are rarely available at these hours, the investigations of felonies committed during those times is delayed and the possibility of solving many of these crimes is substantially reduced. Also, the decision to call the Mobile Crime Laboratory for assistance must often be made by an inexperienced patrolman.

The unavailability of inspectors also results in the unnecessary detention of suspects for many hours until an inspector can be contacted.

Another result of the present system is that the District Attorney's Office must frequently decide whether to prosecute a case on the basis of a patrolman's hastily written report. Currently, after an arrest is made by a patrolman, his report goes to the appropriate detail in the inspectors bureau and an inspector discusses the case with the District Attorney. The inspector may or may not have had the opportunity to consult with the arresting officer and get further details

¹⁶ Ward-Natoli Report, p. 47.

on the case. If inspectors were on night duty, they would be familiar with the case, and the District Attorney would have more facts as well as the judgment of a detective who is experienced in collecting and evaluating evidence.

The fact that political influence plays a role in the selection of detectives is another cause of alienation between the inspectors and patrol bureau. Patrolmen generally want to be detectives because they see the job as one with prestige and glamour. They resent the inspectors in the bureau, most of whom they believe are there because of influence or "juice," rather than ability. Making detective positions promotional rather than appointive as we recommend in the chapter on Promotion, would be a major step in improving relations and coordination between the detectives and the patrol force, and improving the morale in the department.

Another deficiency in coordination that reduces the effectiveness of the department is the failure of inspectors to notify the arresting officer if his case was not prosecuted by the District Attorney and why it was not prosecuted. Failure to prosecute may result from a violation of search and seizure laws, a failure to advise the defendant properly of his rights, a failure to obtain sufficient evidence, or for a number of other reasons. Adoption and supervision of a system to give patrol

officers disposition reports would have a number of benefits. First, the officer would know what he has done wrong so that he could avoid his mistake in the future. Second, such information should go to the training division so that if the same mistakes appear to be recurrent, they could be remedied by recruit training, in-service training, or training bulletins. When appropriate, the information might be forwarded to Planning and Research so that they could cover the subject in the manual of Rules and Procedures. And finally, this system would reduce the complaints by the patrol force that the District Attorney throws out "good cases."

C. Reorganization of the Bureau

As we have stated before, one of the main weaknesses of the Bureau of Inspectors is the inadequate supervision and the overly broad span of control. We have recommended that in those details in which there are a large number of inspectors, all should not report directly to the commander of the detail but there should be intermediate supervisors.

Currently all detail commanders report to the captain of inspectors. This may be too wide a span of control also. Some departments have attempted to deal with that problem by dividing their detective bureaus into three divisions, and such an organizational structure is found in

Municipal Police Administration.¹⁷ One division would consist of those details responsible for the investigation of crimes against persons (e.g. homicide, robbery, aggravated assaults, sex crimes, etc.); a second division would be responsible for property crimes (e.g. burglary, fraud, forgery and bad checks, auto theft, etc.); a third division would be responsible for general investigations. New inspectors would be first assigned to the general investigation division. There they would be trained in investigative techniques by experienced officers and would be assigned to assist inspectors in the other divisions. Their work would be evaluated so that they could be subsequently assigned to a specialized unit which seemed best suited to their talents.

Because we are not certain how well such a division would work, we are not recommending such a reorganization in this report. But we do suggest that the Commission consider this type of organization as a possibility, and discuss its merits with the administrators of the department.

However, we do believe that the effectiveness of the entire bureau would be improved by creating a Crime Analysis Detail which would analyze data on the methods of operation (M.O.) of criminals.

¹⁷
M.P.A., p. 131.

This M.O. data would be provided by inspectors, the patrol force, the Traffic Bureau, and by the Bureau of Criminal Information. After analysis by this new detail, the information would be sent to patrolmen and inspectors, and recorded by the Bureau of Criminal Information in computer data banks for future reference. Presently, M.O. data is kept in a most primitive manner and its usefulness is minimal.

The Committee recommends:

(12) That a system be established to screen crime reports referred to the Bureau of Inspectors;

(13) That an improved case assignment technique be established;

(14) That inspectors be assigned to work all shifts. The practice of working only the daytime shift should be discontinued;

(15) That the routine practice of investigation in pairs be discontinued;

(16) That additional clerical help be obtained for the Bureau of Inspectors;

(17) That intermediate supervisors be assigned to most details to supervise the performance of inspectors;

(18) That procedures for the systematic exchange of intelligence and other information between details be established;

The Committee recommends: (Cont'd)

(19) That a Crime Analysis Detail be established to analyze M.O. data. The detail should have access to computer facilities;

(20) That the Police Commission carefully review the Ward-Natoli Report;

(21) That the Police Commission and department administrators consider reorganizing the Bureau of Inspectors into three divisions, each headed by a high ranking officer who would report to the chief of inspectors. One division would be responsible for investigating crimes against persons; the second would be responsible for investigating crimes against property; and the third would be responsible for general investigation.

IV. CIVILIANIZATION

The Committee strongly favors the hiring of civilians whenever their expertise can be used to improve the quality of the department's operation, or to release sworn personnel for street law enforcement work.

All previous studies of the department agree. In his 1968 Special Report, Chief Cahill stated:

When it is possible to replace a police officer on inside duty with a civilian, it is common to think of this only in terms of money. As Chief of Police, I think of it in terms of providing more efficient, trained and experienced police officers to put on the streets.¹

A highly complex organization like a large police department requires many specialized skills for which police officers have not been trained. Fiscal planning, record management, electronic data processing, personnel management, research and planning, public information and communications are examples of jobs that require skilled specialists. When sworn personnel, who have not had the

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Cahill Report, p. 68.

specialized training these jobs require, are assigned them they are not likely to perform them competently. The work is better done by civilian specialists. We agree with the Task Force Report that sworn personnel should not be precluded from holding administrative and staff positions like those we have mentioned, but they should be selected only if they possess the requisite skills.²

There are also clerical and mechanical jobs that do not require the use of sworn personnel. Traffic control, parking control, clerical work, inventory taking and the handling of property are tasks which when performed by civilians, save the city money and allow officers to be released for crime fighting duties.

While the Charter prohibits the entry of commissioned officers above the rank of patrolman,³ there is no restriction against hiring civilian personnel to perform support and staff services.

But there are some practical and political problems in bringing about civilianization.

²Task Force Report: The Police, p. 125.

³We recommend in our chapter on Selection, Recruitment and Training that this restriction be removed and "lateral entry" allowed.

First, the hiring of civilians does not necessarily mean that more officers are going to be placed on active crime fighting duty. The Annual Reports of the department show that from 1959 to 1969, the number of civilians employed by the department increased from 112 to 422. That would appear to be a progressive move. However, this influx resulted in no appreciable increase in street protection. The Annual Reports show that in 1969, there were 68 fewer men assigned to the district stations, and only 5 more inspectors than there were in 1959.

During the past year, the new Chief has filled a number of specialized positions in the department with civilians. Among these posts are station clerical personnel, fixed post traffic control, and budget and data processing positions in the Planning and Research Bureau. At the suggestion of Crime Committee staff, civilian medical stewards were also hired in the city prison. To what extent these moves have put more men on the street we do not know as we have no current figures.

Civilianization of these positions is a step forward, but it has not been easy and has encountered a lot of opposition from within the department. Sometimes these pressures were successful in making the administration fail to implement policy.

The primary opposition to the hiring of civilians has come from the Police Officers Association which has consistently taken the position that all jobs possible should be held and retained by sworn personnel.

During the past year alone, the P.O.A. has fought the civilianization of the following jobs that have long been held by police officers here, although they are performed by civilians throughout the rest of the State and country: traffic control, parking meter control, building and grounds patrol, and police communications dispatch work.⁴ Only because of the firm position taken by the Civil Service Commission, was the civilianization of these jobs possible.

But even though the Police Commission's policy may be to civilianize jobs wherever possible, and Civil Service rules that

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The position of the P.O.A. is difficult for us to understand. Most police officer associations want policemen to be recognized as "professionals," and speak of police work as a profession. By the P.O.A.'s insistence that certain jobs are properly police functions, they kill any chance of professional recognition. It is unlikely that the public will give the status of "professional" to meter maids, traffic control men and station house clerks. By no means do we demean the importance of these jobs to the community, but the term "professional" is generally used to refer to doctors, architects, lawyers, and others who have acquired skills by many years of advanced education and training. It is quite possible that police work can become a profession if police officers set much higher educational and training standards for themselves, but the P.O.A. has made no moves in that direction. Their current demands lead them in the opposite direction from professional status.

positions held by sworn personnel should be civilianized, sometimes these policies can be thwarted. In 1970 Civil Service recommended civilian fingerprint technicians be hired on a temporary basis. However, the policy was opposed within the department and apparently officers supposedly replaced were not used for active crime fighting. The department claimed that fingerprint classification positions were high security positions and could not be entrusted to other than sworn personnel -- despite the fact that many departments have been using civilians for years. The Police Commission included in their 1971-1972 budget a request for five permanent civilian positions. But inasmuch as the Commission apparently did not insist that the department administrators conform to their policy, and the policy was not followed, the Mayor deleted the civilian positions from the budget rather than incur a needless expense to the taxpayers. Sworn personnel continue to do fingerprint classification work in our department.

Another result of civilianization is that it brings more police and civilians together in close working relationships. This may help remove the sense of isolation from the community which police so strongly feel and about which they are justifiably bitter. Anything that enables them to become more a part of the community, and be regarded as civilians doing a citizen's work, rather than

being in a community-versus-police position, should make police work more attractive, draw better men from all ethnic and racial groups in the community, decrease community hostility toward them, and make their jobs safer.

George E. Berkley, in The Democratic Policeman, suggests another reason for increased civilianization:

The more the police force is integrated with the larger society, the more it is apt to share that society's rules and values. The more the police force is a civilian organization, the more it may restrain such anti-democratic practices as brutality and deprivation of an individual's rights. A policeman may be less inclined to beat up a suspect if he hears a young girl typing in the next room.⁵

The Committee recommends:

(22) That the department make increased use of adequately trained civilian personnel in clerical, mechanical and staff service positions.

⁵The Democratic Policeman, by George E. Berkley, Beacon Press, 1969, p. 39.

V. PATROL BUREAU

In Chapter I we pointed to certain basic inadequacies in the fundamental work of San Francisco's Police Department, patrolling. More must be said.

A. Number of District Stations

There are nine district stations in San Francisco. Each station must have one captain, and among other personnel a watch commander (lieutenant), and a station keeper (sergeant) for each of the three daily watches. In addition, there is usually a patrolman assigned to assist the sergeants. The number of officers thus removed from street duty is of course much greater than would be necessary if the number of stations was reduced. Moreover, seven of the district stations have their own police wagons requiring an additional two men on each of these shifts.

Reducing the number of district stations has been recommended in three prior studies of the San Francisco Police Department. A study conducted in 1937 by Bruce Smith, Sr., a leading authority on police administration, recommended that the number of district stations be reduced to seven. A study conducted by Bruce Smith, Jr., in 1957 also recommended that the number be reduced to seven. In

1961, the Budget Task Force of the Mayor's Committee for Municipal Management recommended that the number of precincts be reduced to four. The 1961 report compared the number of stations in San Francisco with the number in other cities:

The Task Force is impressed by the fact that San Francisco departs so far from the practice of other major West Coast cities with respect to district stations. San Francisco has a district station for each 4.6 square miles of area, compared with an average of 52 square miles for Los Angeles, San Diego, Long Beach, Oakland and Seattle. Population per district station in San Francisco is only one-third the average of those cities. Stated another way, in these other cities a station covers ten times the area and three times the population.¹

The 1961 report also studied the cost-saving that would result from reducing the number of district stations. The study concluded that in 1961, an average of \$118,000 per year could be saved for each station eliminated.² Because of rising costs in the past ten years, the saving would undoubtedly be substantially greater today. A reduction in the number of stations would lower

¹ Mayor's Budget Task Force, p. 43.

² Ibid, p. 45.

plant and maintenance costs, and would increase the tax roll valuation of the properties on which the stations now stand. Thus, by reducing the number of stations, the police department can save a considerable amount.

The 1961 report also recommended that no new stations be built until a study was made to determine the number of stations San Francisco needs.³ We have been unable to find any such study by the department; the department seems to have ignored the recommendation of all three of the administrative surveys.

In February, 1971, the San Francisco Planning Commission recommended that no capital improvement funds be spent for remodelling or building additional police district station houses until the police department in conjunction with city planning submits a new organizational plan for the stations. The Committee on Crime concurs.

The previous Chief of Police strongly defended keeping all nine district stations. In his 1968 Special Report to the Mayor, he argued that the presence of a district station gives residents in the neighborhood a greater sense of security and personal contact with the department. He also claimed that the district stations are

³Ibid, p. 48. A new station has since been built.

useful when facilities at the Hall of Justice are overloaded, and would be valuable if a civil disturbance necessitated closing the Hall.⁴ The Committee, however, believes that these arguments are outweighed by other reasons, and that more effective police work will result from closing some stations. The jail facilities at the district stations are minimal, and not suitable for holding prisoners for more than a few hours. In times of emergency, jails in nearby communities, including San Francisco's facilities in San Bruno could handle an overflow. Even if an argument for emergency jail facilities at district stations could be made, it appears doubtful that nine would be needed.

The centralization recommendations of the three studies are given additional support in Municipal Police Administration:

There has been a trend over a period of years toward reduction in the use and number of district stations. This has been the case, among other cities, in Seattle, Washington; Chicago, Illinois; Oakland, California; and Kansas City, Missouri. The trend is largely a product of technological advances and societal, political and economic changes where influences will likely accelerate rather than level off or diminish. Improved, centralized

⁴Cahill Report, pp. 33-34.

communications have made unnecessary the holding of reserve forces on a stand-by basis for emergency response. The automobile has so decreased time/distance factors that district stations no longer need be located within short distances of policemen's residences. The ward politician is losing his hold on "local" police and thus his influence toward maintaining the stations. Most citizen-to-police contacts, to register complaints or request information, are made by telephone rather than in person. Soundly managed departments have centralized their records and communications.

In addition to all the above factors, there are two very significant ones of importance today. The first one is recognition of the loss of effective police strength caused by manning of non-productive stations and the consequent depletion of personnel and financial resources, made worse by the need to maintain the facilities. The second is recognition of the managerial problems arising from use of district stations. Centralization provides sound controls. It avoids, as well, natural tendencies toward empire building (which really means a force becomes a conglomerate of loosely federated enclaves), gradual development of unrecognized sinecures, and related problems.⁵

As noted throughout this Report, all of the problems referred to by the Municipal Police Administration apply to San Francisco. A reduction in the number of district stations appears long overdue.

B. Two-man v. One-man Patrol Cars

The principal patrol unit in San Francisco is the two-man patrol car, and there is an increasing number of foot patrolmen in use. Both

⁵ M.P.A., pp. 26-27.

methods waste valuable manpower, and contribute to inadequate patrol coverage.

As a result of a vicious shooting in 1970, in which a police officer riding patrol in a one-man car was killed, the San Francisco Police Department announced an inflexible policy of using only two-man patrol cars on all city patrols.

The relative merits of one-man and two-man radio cars have been the subject of considerable study by law enforcement authorities. When the radio car was first introduced, police were hesitant to assign a single officer to the cars because of the danger which the assignment was thought to involve. As the question was studied further, however, the consensus of police authorities was that either one-man cars or a combination of one and two-man cars was desirable.

The Task Force Report on the Police states:

There has been a discernible pattern away from the exclusive use of two-man cars in American cities, and a distinct movement toward the far greater use of one-man patrols...

One-man operations permit more intensive patrol of a city with a like number of officers, prevent partners from spending too much of their time aimlessly conversing with each other, and contribute to the safety of the individual officers by compelling each officer to give undivided attention to his duties. One-man cars allow rapid assignment of more vehicles from more directions as another means of combatting crime.⁶

⁶
Task Force Report: The Police, pp. 54-55.

The great advantage of one-man cars is that:

The more men and more cars that are visible on the streets, the greater is the potential for preventing crime. A heavy blanket of conspicuous patrol at all times and in all parts of the city tends to suppress violations of the law. The most economical manner of providing this heavy blanket of patrol is by using one-man cars when and where they are feasible.⁷

The main argument against the use of one-man cars has been the fear of the increased hazards to the safety of police officers. Certainly this Committee is concerned about that, and would make no recommendation that would jeopardize the lives of our officers. However, these fears appear to have no factual basis. A study by the Detroit Police Department Research and Development Bureau stated:

...proponents of the one-man car feel it is safer than two-man operation, but opponents claim it is dangerous. The opponents' argument is frequently more emotional than factual. We are unaware of any recognized police authority who feels that one-man patrol is more dangerous than two-man patrol and we are unaware of any valid study which has indicated that the one-man car is more dangerous than the two-man car.

⁷Ibid, citing an I.A.L.P. consultant, p. 55.

A 1965 analysis prepared for the Bureau of the Budget of New York City⁸ of a two and a half year experiment conducted in that city's Sixteenth Division stated:

The conclusions to be drawn from this experience are that a patrolman in a one-man car has been less likely to be injured as a result of criminal action and less likely to be involved in a traffic accident than patrolmen in a two-man car.

The preliminary conclusions of that analysis were that if one-man patrol sectors were carefully selected the officers would be as safe, if not safer than officers in two-man cars; response times could be reduced significantly through more intensive patrol coverage, and the cost effectiveness of the department would increase.⁹

The Committee believes that officers driving one-man cars should be trained in special procedures to be followed. A single officer should be dispatched to answer calls which ordinarily involve no risk of harm; two men should be dispatched to answer the far fewer calls that appear to involve potential danger. The experience of many departments has been that officers driving alone are more attentive to their duties, less likely to rush into hazardous situations, and quicker to call for assistance when signs of danger

⁸"Program Analysis: One-man Cars for Police Patrol Operations," February, 1969. Bureau of the Budget, City of New York, p. 7.

⁹
Ibid, p. 6.

appear. Moreover, since there are more cars in operation, help can be summoned much more rapidly.

The Task Force Report on the Police shows that in 1964 over eighty percent of the country's cities with over 500,000 population used either one-man cars or a combination of one and two-man cars.¹⁰ The failure of San Francisco to use one-man cars is one reason why our department, with more officers, has less effective patrol than many other American cities.

The implementation of a combined one-man and two-man car operation should be preceded by a Planning and Research (or Police Commission staff) survey of the times and districts where this can be done safely, and of the cost savings that will result.¹¹

C. Foot Patrol

Foot patrol is also used more extensively in San Francisco than in many other cities.¹² A foot patrolman can cover a much smaller area than that patrolled by a radio car. Foot patrolmen are

¹⁰Task Force Report: The Police, p. 55.

¹¹Use of one-man patrol wherever practical and safe is recommended by the Crime Commission, p. 117, and the Bruce Smith Report, p. 100.

¹²On December 10, 1969, there were 111 officers on foot patrol.

usually not available to respond to emergencies; even if they are equipped with small radios and can be reached by the dispatcher, they are relatively immobile. Moreover, the danger of harm to the police officers is considerable when he is alone and has no way to call for help in an emergency. While foot patrol facilities increase personal contact between the officer and the public, this contact is usually minimal and it is questionable whether it justifies the disadvantages of foot patrol.¹³ In light of the pressing need for increased effective patrol coverage in San Francisco, the number of officers needed for foot patrol should be determined by a detailed department study.¹⁴

If the study reveals the need for continuing some foot beats, the patrolmen should be furnished motor scooters. Patrick V. Murphy, the New York Commissioner of Police, recently stated, "As we have progressed in motorization, we have depersonalized police work. I think motor scooters are a step in the right direction. The man is more visible and doesn't go by as fast. It's easier for him to stop and talk."¹⁵

¹³ Task Force Report: The Police, p. 24.

¹⁴ The Bruce Smith Report recommended a complete re-evaluation of existing foot beats, pp. 6-7, 106.

¹⁵ Wall Street Reports, March, 1971, p. 11.

Officers on foot patrol or motor scooters should also be equipped with lightweight two-way radios¹⁶ so they can respond quickly to calls for service and immediately summon assistance when it is needed.

D. Lack of Deployment Formula

Another fundamental cause of inadequate patrol coverage has been the lack of a systematic plan for manpower deployment. There are several formulas in general use in the better police departments which determine the demand for police service in different areas in the city, at different hours. These formulas depend upon careful analysis of the number and type of calls for service received in each district, the method of patrol used to answer them, the ratio of assigned to available manpower, and other factors.

Data compiled by the Crime Committee staff in August 1969 shows only a very loose correlation between the number of dispatcher's requests for service received in a district, or on a shift, and the number of patrol cars assigned to those districts and shifts. For

¹⁶ The Cahill Report also recommended walkie-talkie equipment for foot patrolmen, pp. 37-38.

example, in August 1969, there were a total of 5,567 calls for patrol service in the Potrero District and 3,364 calls in the Taraval District. Yet, the Potrero District had an average of 3.0 radio cars per duty shift, while Taraval had an average of 3.4. So, while Potrero required 71 percent more runs than Taraval, it had fewer radio cars on duty to handle calls and patrol.

Only within the past year has an attempt been made by the Patrol Bureau to analyze deployment in San Francisco. In an initial effort to reallocate patrol strength, Supervising Captain of Patrol Taylor has made a study of actual assigned strength, actual field strength, serious crimes reported to the police and the calls for service received by each of the district stations. All of these categories are recorded by the hour. This study showed that more patrol strength was being fielded on Wednesdays than on weekends when crime is usually greater. Captain Taylor said that he has instructed his station commanders to realign their patrol strength on the basis of the information he had developed. Previously, according to a former Supervising Captain of Patrol, patrol manpower had been deployed on the basis of "intuition." Improved patrol deployment should bring about better patrol coverage, greater crime deterrence and more arrests. However, more accurate and complete records will have to be kept and made accessible by data processing methods if deployment formulas are to be kept current

and useful. The Bureau of Criminal Information has been working on developing just such a program for the past year.

E. Patrol Shift Rotation

There are three patrol shifts; day, from 8 a.m. to 4 p.m.; night, from 4 p.m. to midnight; and early morning, from midnight to 8 a.m. Patrolmen with the greatest seniority are usually assigned to the day shift as the department allows men to select their shift on the basis of seniority in rank. The senior officers usually request a day shift, while officers with less seniority work alternate weeks on the other two shifts. When this policy is coupled with the fact that seniority is the most important promotional criterion, the result is that the young patrolmen ordinarily work nights and early morning shifts for up to twelve years before getting a daytime assignment.

Most officers find it extremely difficult to readjust their sleeping habits and life styles every week to accomodate the constantly changing work schedules. The frequency of the changes and the inability to work a day shift for so many years appears to discourage many men from joining the force.

There are other reasons for changing the shift system. Chief Gain of Oakland told the Committee that he rotates all men on patrol

on all shifts so that they see and understand the city as it really is. He explains that from the policeman's point of view particularly, a city is an entirely different place at night than it is in the daytime or the early morning hours.

Younger officers may be more physically fit than senior officers, but the latter possess more experience in handling police problems. Thus it would seem advisable to have more of a mix on each shift than having shifts composed primarily of older or younger men. The presence of more experienced officers would appear to us to provide additional safety to inexperienced officers working in the late hour shifts. The F.B.I.'s Crime Report for 1969 states:

The hours of darkness continued, of course, to be the most dangerous for the officers. Seventy-one percent of the officers were killed between the hours of 4 p.m. and 4 a.m. The hours from 7 p.m. to 3 a.m. have proven to present the greatest risk with 309 law enforcement officers being killed during these hours. Eleven p.m. to midnight and 1 a.m. to 2 a.m. were the most dangerous for police officers with 45 and 44 police officers being murdered by criminal offenders during these two time periods.¹⁷

The Committee believes that daytime patrol shifts should not be assigned on the basis of seniority. The department should rotate

¹⁷These figures were for the ten year period from 1960-69. Uniform Crime Reports, F.B.I., 1969, p. 45.

all three shifts. But officers who prefer to work the less popular night and early morning shifts should ordinarily be allowed to do so. Furthermore, the department should schedule shift assignments to accomodate officers who wish to pursue college or advanced training courses.

F. Traffic Bureau Personnel

The Traffic Bureau is discussed in another chapter of this Report. As pointed out there, the bureau currently uses 223 sworn personnel for traffic matters. Most of these officers should be assigned to the district stations to supplement the patrol coverage which can also provide necessary traffic services.

G. Non-Police Functions

Another important reason for the decline in effective patrol coverage is the growing number of non-patrol duties which the patrolman is called on to perform. In this respect, the San Francisco Police Department is no different from others in the country. The majority of calls to which radio cars respond are for assistance in matters such as family quarrels, lost house keys and the need

for a variety of emergency assistance. Estimates of the proportion of police time spent in responding to such "community service" or non-criminal calls are as high as 70 percent.¹⁸

Patrol units are also often called upon to handle minor traffic matters, such as a private driveway being blocked by an improperly parked car. These calls are sent over the air from the dispatcher to the patrol car in the area. Not only does this tie up the communications network with low priority business, but patrol time is wasted responding to them. Patrol crews interviewed complained of this.

Another example is the standard procedure of assigning one radio car from each of four district stations to the opera house at 10:50 on Saturdays during opera season to assist in traffic control when the opera ends. A lieutenant at Northern Station stated that quite frequently cars from the other three stations assigned to assist in this service were busy and unable to go. Because Northern Station is located closest to the opera house, he often must provide the extra men. Considering the high rate of night time crime activity, this diversion of valuable patrol manpower and equipment decreases the effectiveness of the force when it is most needed.

¹⁸Task Force Report: The Police, p. 121.

The Committee recommends that these low priority parking and traffic control matters be handled by the civilians who handle fixed post traffic control and parking control. The Planning and Research Bureau should determine the number of controlmen necessary to perform such night services.

In addition, a great deal of time is spent by patrolmen dealing with so-called "non-victim crime." The impact of these offenses on good law enforcement in San Francisco is discussed in the Committee's reports on non-victim crimes.

H. Patrol Supervision

Another basic deficiency in the Patrol Bureau is the lack of effective patrol supervision at all levels. This has a number of far-reaching consequences which undermine good law enforcement.

The first level supervisor in the police department is the sergeant. An example of the failure of the Rules and Procedures to define in sufficient detail the responsibilities of officers in the department, is the section dealing with the responsibility of a "sergeant of police." All it states is that he:

Shall guide and instruct subordinates in the proper performance of police duty and enforce obedience to and strict observance of the rules and procedures of

the department and orders of superior officers. Shall not indulge in unofficerlike conversation or familiarity with the members under him, but shall at all times set an example of efficiency, alertness, accuracy, smartness and sobriety.¹⁹

These provisions do not adequately define the duties a sergeant should perform. Scattered throughout the Rules and Procedures are other sections relating to sergeants, but in most cases they are equally abstract.

In the Patrol Bureau there are three kinds of sergeants: the station sergeant, the foot sergeant, and the radio car sergeant.

1. Station Sergeant

In well-administered police departments, the supervisory role of the station sergeant is a critical one. All persons detained by patrolmen are taken immediately to the district station, where the sergeant reviews the detention. First, he examines the detainee for signs of improper treatment and to see if he needs medical care or other special attention. The sergeant also makes sure that the detainee has been properly informed of his rights. Then the sergeant asks the patrolman for the circumstances of the detention, what evidence has been collected, and reviews the arrest. Based on

¹⁹ Rules and Procedures, Sec. 3.3335, 3.3337.

his discussion with the patrolman, the sergeant determines whether further investigation or other follow-up is called for. The sergeant may also suggest to the arresting officer how he might better handle similar situations in the future. Finally, the sergeant reviews the written arrest report prepared by the patrolman before it is submitted to the lieutenant for final approval.

These tasks are rarely performed by station sergeants in San Francisco. Detained prisoners often go directly to the Hall of Justice, or in the case of juveniles, to the Youth Guidance Center, without first being taken to the district station. Therefore, the station sergeant cannot examine the arrested person to find out how he was treated by the patrolman, or to review the patrolman's decision to arrest. Patrolmen do not regularly review their arrests with the station sergeant, and the sergeants do not receive their written reports.

In San Francisco, the station sergeant - or "station keeper" - performs clerical and recordkeeping chores almost exclusively. As the name implies, he keeps the records of the station, acts as a receptionist, and answers citizens' questions. There is one station sergeant on each watch at each district station. These sergeants perform only the most rudimentary supervisory duties. The sergeants appear to be primarily concerned with an accurate accounting of the

arrested person's property rather than making certain the arrest was a good one, there was sufficient evidence to support it, and that the man was booked for the appropriate offense.

2. Foot Patrol Sergeant

The foot patrol sergeant supervises foot patrolmen in the field. Because of the great limitations on the mobility of a sergeant patrolling on foot, effective supervision is impossible. According to Section 9.19 of the Rules and Procedures, the foot patrol sergeant should observe each patrolman twice during each tour of duty. However, this frequently cannot be done; he often has no way to locate the patrolman. He cannot move about his district quickly enough as the foot patrol sergeants do not carry radios, they often are unaware that an emergency situation has arisen or that their supervision is needed. Thus, the foot patrol sergeant is little more than another officer walking the beat, much like the patrolman he is supposed to supervise.

The Committee believes that the position of foot patrol sergeant should be eliminated.²⁰ Those foot patrol beats which it is necessary to retain should be supervised by the radio car sergeant assigned to that territory.

²⁰The Bruce Smith Report agrees, p. 6.

3. Radio Car Sergeant

The radio car sergeant supervises radio car patrolmen in the field. His job is one of the most important in the department. He should patrol his district's radio car beats, be aware of all calls to the radio cars, observe how his patrolmen handle situations, serve as a back-up officer in situations involving possible danger, and determine when additional assistance is required.

But direction, supervision, discipline and control are all so lax in San Francisco that sometimes the radio sergeants do some of these things, and sometimes they don't.

A number of the radio sergeants talked to by our staff stated that frequently neither they nor Communications knew where the cars were. In other departments, when radio car patrolmen receive a call, they acknowledge it, go to the address, report back that they have arrived, and when the matter has been taken care of, they again call back and either resume patrol or proceed to the next call. All these times are recorded so that there can be some administrative control, and so that the location of the car is always known.

In San Francisco, the officers acknowledge the call and do not report back in "until they feel like it," according to staff

observations and the reports of the men themselves. The communications system of the department is antiquated, and modernizing it might improve the situation, but obviously technology cannot remedy the human deficiencies described above.²¹

The position of radio car sergeant was established in San Francisco in 1962. Since that time, however, the Rules and Procedures have not been revised to include any description of his duties.

4. Station Lieutenant

The next upper level of supervisor is the lieutenant. There is one lieutenant for each of the three daily watches at each district station. Each lieutenant is the "watch commander" of his respective watch, and should oversee the complete operation of his station during the eight hours he is in command. The lieutenant is responsible for supervising the daily roll call session. He should periodically patrol his district to check the performance of his subordinates, particularly the sergeants for whom he is directly

²¹In 1969, the Committee was advised that plans for a portion of a new communications system were going to be bid on and that the plans called for expensive and impractical equipment. Despite resistance from the department and the Department of Electricity (which actually controls the police department's communications network), the Police Commission intervened and accepted the offer by the Motorola Company to make a free survey of the department's needs and come up with a master plan for the present and future. The work was accomplished, but because of friction and resistance to change, we understand that the communications problems have not yet been resolved.

responsible. The lieutenant must sign arrest reports before they are forwarded to the Hall of Justice. He should be responsible for the completeness and sufficiency of the reports and for the performance of the officers serving under his command.

In San Francisco, most district station lieutenants perform none of these functions. Their principal activity is additional recordkeeping, completing the log book, the daily watch report, and the daily deployment sheet. Unlike other cities, the lieutenants here begin duty two hours before the men on their shift and leave two hours before the men's shift ends. The large number of reports submitted by patrolmen at the end of their shift are frequently signed and approved by the lieutenant on the following shift. He is not responsible for the performance of these officers and has no familiarity with the events underlying the reports. Thus, the signing of the arrest report by the lieutenant has become largely a perfunctory act. As we have stated elsewhere, numerous lieutenants have told the Crime Committee staff that they sign many reports which they consider inadequate, and few of these are returned to them for correction or additional information.

The department is presently assigning newly hired secretaries to a secretarial pool at the Hall of Justice, rather than at the

district stations as formerly was done. The purpose is to make the secretarial operation more efficient and eliminate the problem of having a secretary idle at one station while at another station a secretary may be six or seven reports behind. However, the disadvantage of this plan is that it denies the opportunity for the station watch commander to review the reports, and approve their content. Even if the secretarial pool downtown sent a copy back to the station, this would provide only a belated review of the arrest.

The lieutenants perform their duties almost entirely from their desks. The staff encountered few lieutenants in the patrol force who conducted any field supervision,²² and with few exceptions, the lieutenants do not participate in the roll call sessions but delegate the task entirely to their sergeants.

5. Captain

Each of the nine district stations is commanded by a captain. The captain is responsible for the performance of all the officers in his station and all activities within his district 24 hours a day. Yet, unlike the other police departments, the Bureau of Communications does not record the whereabouts of district captains

²²The Bruce Smith Report recommended that station lieutenants spend half of their duty time on the street supervising their men, pp. 89-90.

when they are outside the station so that they can be immediately reached in case of an emergency. As noted elsewhere in this Report, there is no night-time command structure in the department.

There can be no doubt that the district captains exercise considerable authority subject only to minimal review by their superiors. Because the department has failed to articulate policies or to issue directives on many important procedures, station practices vary considerably. In some districts there is no direction; in others, strong captains have established their own policy. Some patrol commanders have made innovations in scheduling the duty hours of personnel, in setting their own standards for the performance required of their patrolmen, and in responding to community needs and problems. These policies, however, are not critically reviewed elsewhere in the department nor are any steps taken to insure a uniformity in the various approaches taken by the district commanders.

6. Supervising Captain

One of the principal causes for the great autonomy of the district stations is that the Supervising Captain of Patrol has historically been given little authority. In theory, the Supervising Captain is in charge of the Patrol Bureau and is the immediate superior of all district captains. For many years, however, he has

had little real power. The Supervising Captain performs no role in the preparation of the budgets for the district stations, the budget requests being submitted directly from the stations to the Bureau of Planning and Research. The Supervising Captain can only "recommend to the Chief" changes in distribution of personnel and can change details or assignments only with the approval of the Chief.²³ Communications on most subjects ordinarily pass directly from the district captain to the office of the Chief of Police; on some occasions copies of these memoranda are submitted to the Supervising Captain, but in many cases he is not even given a copy of the communication. The Supervising Captain performs a minimal role in overseeing performance of patrol personnel and in enforcing discipline.

When all district captains look to the Chief for authority and by-pass the Supervising Captain, the Chief's time is consumed with unnecessary decision making and administrative detail, and the Supervising Captain's job becomes only a title.

Whether because of the Rules and Procedures (which can be changed by the Police Commission) or because of the failure or refusal of whoever may be Chief to delegate authority to the Supervising Captain commensurate with the position he holds (and this is more likely), his exercise of authority has been lacking.

²³ Rules and Procedures 3.129, 3.131.

We have not had our law enforcement staff members in the department for the past few months, and it may be that Chief Nelder has delegated more authority to the Supervising Captain than have his predecessors. However, whatever the current situation may be, we agree with the 1937 and 1957 studies of the department that recommend the position be strengthened.²⁴

The Supervising Captain, who is responsible for the entire patrol, must have the authority commensurate with his title. He also should receive an appropriate salary. The salary of the Supervising Captain is now 20 percent less than that of the Chief of Inspectors and the Director of Traffic although he is responsible for many more officers. His authority, responsibility and salary should be increased.

I. The Crime Prevention Unit

In an effort to increase patrol coverage and to establish a unit specially trained to prevent and control mass disturbances, the San Francisco Police Department, like other cities throughout the country, created a tactical force, or "tactical squad" in 1967.

²⁴
Bruce Smith Report. pp. 5, 85-86.

The elite squad consisted of 32 officers, virtually all of whom were transferred from the district stations. The group received intensive training in patrol technique and crowd control, and operated in squad units of eight men, riding four men in each of two patrol cars. The squads received special radio equipment to insure constant communication.

The Tactical Squad received considerable public attention during disturbances at the Fairmont Hotel, Haight-Ashbury, and San Francisco State. Many department personnel expressed the view that the tactical squad dealt with these disturbances more effectively than would have been possible without such a unit. They also stated that these incidents represent only a small percentage of the activity of the Tactical Squad, that the squad has been responsible for a large number of arrests and has effectively prevented potential riots by dispersing crowds before large scale disturbances could begin. This they have been able to do because they travel in large numbers and arrive in force when needed.

The concept of the Tactical Squad was, in part, expanded by the creation of the Crime Prevention Unit, in May 1969. As constituted in 1969, the unit consisted of 96 men, including the Tactical Squad, the Helicopter Unit and the Dog Unit. The Crime

Prevention Unit was "designed to combat street crimes" and to provide extra patrol coverage. The department statistics reflect that the Crime Prevention Unit was initially responsible for a sizable number of arrests, though the number has tended to decline since the establishment of the unit.²⁵

The Crime Committee is in accord with the objectives which have led to the creation of the unit. The need for specialized training to deal with major disorders, crowd control, increased patrol coverage, and improved morale is undeniable. Yet we believe these same objectives can be achieved in preferable ways.

The specialized unit has tended to remove some of the best personnel from the district stations. These men have received special training but the creation of the unit has diverted training that should be department-wide to a small number of officers. Although the use of four-man patrol cars permits a large number of officers to arrive at an emergency quickly, this could also be accomplished if better communications and patrol deployment systems were in effect. Thus the use of the specialized unit obscures the more

²⁵The department keeps no records of convictions. Thus, neither the effectiveness of this unit nor any other in the department can be measured in terms of arrests that hold up in court.

fundamental deficiencies that exist throughout the patrol force which, if corrected, would in large part eliminate the need for the specialized unit.

There are other disadvantages of the unit. Though the Supervising Captain ordered that the Crime Prevention Units operating in a district were to be under the command of that district's station captain, there is evidence that this order has not been complied with, and sometimes a captain does not know the unit is in his district. Since the specialized units are not under the control of the district captain, they can undermine his policies. For example, a former captain of Park Station reported that several programs he had been developing in his district were virtually destroyed by a single appearance of the Tactical Squad which acted contrary to assurances he had previously given community members. The captains of some districts have requested the specialized units never to enter their districts, or to do so only as a last resort.

Thus, we see that there are mixed feelings in the patrol force about these units. While some officers feel more secure knowing that the units are available in case of an emergency, they are also a source of some friction.

Moreover, the regular use of four-man patrol cars is a great waste of manpower and encourages sub-standard police performance. As we point out elsewhere in this Report, studies have shown that increased efficiency can be obtained by substituting a number of one-man cars for two-man patrol cars. To put four men in a single patrol car makes the use of manpower even more inefficient. Four officers in four cars could patrol a substantially greater area than four men in a single car, and the increased number of cars would permit a large number of officers to respond quickly when they were needed. Placing four officers in a single car inevitably increases the amount of social intercourse between the officers and lessens their attention to their police duties. Lieutenants and sergeants interviewed at a number of stations felt very strongly that personnel assigned to the C.P.U. should be returned to patrol duty to increase patrol manpower and provide quicker and better patrol service.

The use of large numbers of officers also tends to bring about more forceful responses to provocative situations than might otherwise occur. If an officer travelling alone is called a disrespectful name, he is apt to disregard it; however, if four officers are together, the likelihood that there will be a physical

reaction to such provocation in order to save face is much greater. Moreover, when officers are travelling and acting as members of a large group, there is a diminished sense of personal accountability which tends to lessen the restraint each man would otherwise exercise. All this is not hypothetical. Many citizens and some department members have expressed the view that Tactical Squad officers are more prone to use unnecessary force than other officers.

As a result, a certain amount of citizen hostility has developed toward the Tactical Squad, particularly in minority communities.

J. Patrol Vehicles

The Committee staff personally observed that many of the patrol vehicles are in dire need of repair or should be removed from service. The lack of well-equipped, well-serviced radio cars is an urgent matter. Some of the serious defects noted in cars in service were broken wind wings making the car impossible to lock, seats that slide when the car is stopped or accelerated, absence of required emergency lighting equipment, absence of radios or radios that were not working, faulty brakes and unsightly body and fender

damage. Patrolmen told Committee staff that they let defects accumulate before taking vehicles to the garage because minor and major repairs seem to take about the same time to complete.

Officers at the district stations complained that they were frequently unable to provide adequate patrol coverage for their districts because of a shortage of patrol cars, while serviceable cars sit idly in the garage at the Hall of Justice.

There is obviously a need for a car pool with strict control over the use and assignment of police vehicles.

The Committee recommends:

(23) That the department accept the recommendations of the several prior studies, with which this Committee concurs, that the number of district stations be reduced. The department should immediately undertake a study to determine the optimum number and location of district stations and should eliminate the remaining stations;

(24) That the department immediately develop better methods for collecting and retrieving the data necessary to have an effective system of manpower deployment;

(25) That the department discontinue "detailing" officers for extended periods of time from the Patrol Bureau to other non-patrol units.²⁶ When a modern deployment system has been adopted, a careful study of the optimum strength of the Patrol Bureau should be made by the Planning and Research Bureau;

(26) That the department discontinue the policy of using only two-man patrol cars and undertake a study to determine those radio car beats and those shifts in which one-man cars can be substituted. At the same time, all personnel assigned to one-man patrol cars should receive special training in the techniques of such patrol and appropriate directives should be issued;

(27) That the present system of giving daytime shifts on the basis of seniority be abolished;

(28) That the Planning and Research Bureau study the need for night time fixed post traffic and parking control services. The purpose of the study would be to relieve the patrol force of these duties which can be performed by civilian controlmen;

(29) That the department review the need for foot patrolmen in all districts. On those foot patrol beats which are retained, patrolmen should be equipped with lightweight two-way radios and motorscooters;

²⁶See Part I, Chapter I, "How San Francisco's Police Department Measures Up Where it Counts: Patrolling the Streets," Table III, and discussion that follows.

(30) That the duties and responsibilities of all sergeants in the patrol force be clearly defined and stated in detail, particularly as to supervision of the performance of patrolmen. The position of foot patrol sergeant should be eliminated;

(31) That the department issue a General Order directing that any arrest or detention by a patrolman be reviewed by a supervising officer before the person is booked at the city prison;

(32) That the duties and responsibilities of all lieutenants be clearly defined and stated in detail, particularly as to supervision of the performance of sergeants;

(33) That the authority, responsibilities and salary of the Supervising Captain of Patrol be substantially increased with the aim of making him the effective commander of the entire Patrol Bureau;

(34) That the Crime Prevention Unit and the Tactical Squad be disbanded and the manpower returned to the district stations. All personnel in the district stations should receive the specialized training that has been given members of these units for handling mass disorders, crowd control and other tasks;

(35) That the department take out of service and repair or replace patrol vehicles which are in such condition as to imperil the safety of the occupants and impair effective patrol service;

(36) That the department set up a car pool with strict control over the use and assignment of police vehicles.

VI. TRAFFIC BUREAU

The Committee believes that the Traffic Bureau is one of the best managed units in the police department. Its training, research, deployment, supervisory and disciplinary systems are good. Nevertheless, many of its sworn personnel should be transferred to station duty so that patrol coverage can be increased. If our recommendations are followed, the patrol force will be increased by over 170 patrolmen, 17 sergeants, and some higher ranking officers, and the Traffic Bureau will be greatly reduced in size and function.

The Traffic Bureau is made up of three divisions. The Headquarters and Services Division is responsible for the research and analysis of traffic problems, and the planning of traffic solutions. This division also contains a traffic information section which conducts driver education programs, a school traffic bureau, and several court officers who act as liaison with the District Attorney's Office. The Congestion and Parking Control Division is responsible for fixed post traffic control and the three-wheel motorcycles used for parking regulation. The largest division is the Enforcement and Investigation Division, containing the Accident Investigation Bureau, the Hit and Run Unit, and the Solo Motorcycle Unit.

Prior to 1961, the bureau was treated as a separate entity reporting directly to the Police Commission. In 1961, the Charter was amended to place the bureau under the Chief of Police. The bureau consists of 223 sworn personnel (approximately 12% of the officers in the department), and 91 civilians engaged in traffic and parking control.

Despite the 1961 Charter amendment, the bureau is largely autonomous and has never been effectively integrated into the rest of the department. The Traffic Bureau, unlike any other bureau, operates according to a basic planning document which clearly articulates divisions of responsibilities and lines of authority. These principles appear to be well understood and followed. The bureau has a modern deployment system, determining shift assignments upon the basis of the city's needs and the bureau's manpower workload. Unlike the rest of the department, there is a rotation of shifts among all officers, with seniority playing only a small role. The rotation appears to be satisfactory to the members of the bureau. The performance of each officer is evaluated every month by his supervisor. Immediate steps are taken to improve performance of officers where it has fallen below acceptable standards. Discipline is handled by the Director of the bureau and his staff, without assistance from any other unit or from the Chief of Police, unless a case is serious enough to require the imposition of discipline reserved to the Chief or the Police

Commission. Because of its stricter discipline, morale is perceptibly higher in the Traffic Bureau than in any other bureau of the police department.

A. Reorganization of the Bureau

The goal of providing more complete and more effective patrol coverage for the city is among the highest priority needs of the department. Consequently the high caliber of administration and supervision in the Traffic Bureau must not stand in the way of redistribution of functions.

1. Civilianization

In 1970-71, much of the parking control function was turned over to civilian parking controlmen. The Committee applauds the civilianization of parking control and is pleased to note that there are about eighty civilians currently overseeing ticketing and towing of illegally parked vehicles. We believe the ultimate goal is to civilianize this operation entirely.

The Traffic Bureau states that fixed post traffic control has already been entirely civilianized. Twelve controlmen currently supervise at busy intersections in the city.

Virtually all of the responsibilities performed by the eighteen sworn officers in the Headquarters and Services Division can be adequately carried out by trained civilians, thereby releasing

additional policemen for other police work. The preparation of statistical surveys and the conducting of driver education programs, for example, need not be performed by police officers.

2. Augmentation of the Patrol Force

Those sworn officers freed from the Traffic Bureau as a result of civilianization should be used to increase the patrol capabilities of the department.

In addition, accident investigation, which consumes the services of sixty-one patrolmen and nine sergeants all in patrol cars, three-wheel motorcycle officers, of which there are twenty-one patrolmen and eight sergeants, and the eighty-eight sworn officers on solo motorcycles, all should be assigned to the Patrol Bureau. All of these officers have received the same training as patrolmen, supplemented by specialized traffic training.

The officers now in the Patrol Bureau write few traffic citations -- between 9 to 13% of the total issued -- ordinarily only for aggravated traffic violations which occur in their immediate presence. Many San Francisco drivers are well aware of the distinction between police cars bearing a seven pointed star and those with a green cross. Conversely, traffic officers do not conceive of their responsibilities as including anything other than traffic law enforcement (except in unusual circumstances,

such as the mass disturbances at San Francisco State, where they were used to contain the disturbance). Thus the San Francisco system is exactly that warned against by Municipal Police Administration. According to Municipal Police Administration:

The precise placing of responsibility often promotes a tendency on the part of other units and individuals to avoid any responsibility even where they obviously should retain some...(W)hen a specialized traffic enforcement unit is created the patrol force tends to relinquish all responsibility for traffic enforcement and the traffic unit and all responsibility for general law enforcement. Specialized units thus tend to an underutilization of personnel that can be very costly.¹

The placement of traffic and patrol officers is not coordinated, and there is virtually no interchange of information between them. The Traffic Bureau has a separate radio frequency so that, except for all-frequency emergency broadcasts, patrol and traffic cannot communicate with each other.

This rigorous specialization has various undesirable consequences. It reduces the number of officers available for both patrol and traffic duties. When there is a particular demand for one type of officer, the other is not available to provide support. During the frequent periods when patrol officers are running several

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M.P.A., pp. 19-20.

hours behind in responding to service calls, there are often traffic officers in radio cars and on solo motorcycles available to respond to such calls, but they are not called upon. Conversely, between the hours of 11 p.m. and 7 a.m. there are only two Accident Investigation Bureau cars on duty in the entire city. If more than two accidents occur, the victims may be required to wait a long time before a traffic car responds. Patrol officers are not familiar with preparing accident reports, even if they were available. There should be no distinction made between patrol to enforce traffic laws and patrol to enforce other laws. An officer performing patrol duty should be alert to all offenses. Indeed, the questioning of traffic violators can often lead to the apprehension of persons who have committed more serious criminal acts.

Thus the Committee believes that all accident investigation, three-wheel and solo motorcycle officers should be placed in the Patrol Bureau to augment patrol coverage, and all patrolmen should be given training in and responsibility for enforcement of traffic laws. This will increase the patrol force by 170 patrolmen and 17 sergeants, all of whom have been trained as patrol officers.

3. Transfer of the Hit and Run Unit to the Bureau of
Inspectors

The Hit and Run Unit also should be reorganized. This unit consists of fifteen sworn officers who investigate hit and run

accidents and felony traffic violations. This limited assignment is an inefficient use of manpower. Most hit and run cases involve minor damage, and are difficult to solve. When compared with the many more serious crimes that offer far better prospects for solution and now go unsolved, such cases do not merit investigation. It is indicative of inverse priorities that fifteen men are assigned to the hit and run detail while only ten inspectors are assigned to the homicide detail. By transferring this unit and its function to the Bureau of Inspectors, additional investigative personnel would be available to be used wherever the priorities and needs were greatest.

B. Solo Motorcycle Duty

The use of the two-wheel or solo motorcycle for traffic enforcement should be evaluated. The solo motorcycle unit consists of 88 officers. In 1969, it was responsible for issuing 76% of all moving violation citations. In slack time, the unit works on accident investigations.

Modern police administrators are in disagreement over the relative merit of the solo motorcycle. Critics say they are dangerous to the driver, of no value in rainy weather, and more costly to buy, operate and staff than radio cars. Defenders of the solo motorcycle cite their maneuverability and speed in big cities and on congested streets. The Committee does not recommend

abolition of solo motorcycles but agrees with the following statement from Municipal Police Administration:

Hazardous duty pay seems justified because in some cities mishaps have been sufficiently frequent and serious to cause concern among administrators...Some cities have ceased using solo motorcycles, or reduced their numbers, because of the hazard they pose to personnel as well as for other reasons...In any event, police administrators should assess, very carefully, the need for solo motorcycle use and be certain that such conveyances can do the job well enough to offset the factors of increased cost, hazard, and lack of all-around utility.²

C. Two-Man Cars Used by the Accident Investigation Bureau

The Accident Investigation Bureau uses two-man cars exclusively. As we stated in the chapter on Patrol, there is no justification for this waste of police manpower. It is extremely rare that an accident investigation will involve a risk of harm to an officer. What usually happens is that after answering an accident call, one officer writes up the report, while the other is idle. The use of one-man cars would free about 30 sworn officers for other police duties.

2

Ibid., p. 82.

The Committee recommends:

(37) That parking control and fixed post traffic control functions be performed entirely by civilians, under the administration of the Traffic Bureau. Wherever feasible, positions in the Headquarters and Services Division of the bureau should also be assigned to trained civilians.

(38) That the separate specialized Accident Investigation Bureau, Solo Motorcycle Unit and Three-Wheeled Motorcycle Units be assigned to and made a part of the Patrol Bureau.

(39) That the Hit and Run Unit be assigned to the Bureau of Inspectors.

(40) That the need for and relative utility of the solo motorcycle be studied by the department.

(41) That the department discontinue the use of two-man cars for traffic accident investigation.

VII. Weapons and Weapons Training

A. Gun Regulations

Proper firearms training is essential for two reasons: First, unless an officer knows how to handle his gun properly and effectively, he lacks the ability to protect himself, his brother officers, and the citizens of the community. Second, and equally important, when a weapon is used improperly or unnecessarily -- and it should be used only as a last resort -- community hostility is engendered, and, as we have seen in recent years, this may result in a major riot.

The San Francisco Police Department has no guidelines or policy on the use of firearms. The department has taken the official position that the California Penal Code covers this matter adequately. Section 853a provides that:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

Section 196 of the Penal Code makes homicide justifiable when committed by peace officers:

2. When necessarily committed in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty; or

3. When necessarily committed ... in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest.

Section 197 of the Penal Code makes homicide justifiable.

4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

These are general statements, however, which must be clarified by specific regulations to guide the policeman in this critical area. No civilized community would tolerate its police shooting at, let alone killing all felons. Felonies in California include forgery of a variety of documents, sending a false telegram with the intent to deceive another, passing a fictitious check, possessing marijuana, and a variety of other offenses for which we believe the community is not ready to exact a human life. Of course, good police officers and police departments share these views, and they are not willing or ready to kill except as a last resort. But merely to say that the policy of the department is to follow the Penal Code gives very little protection or direction to the officers. For a chief to say that an officer is given the discretion to use his own good judgment in such matters, or that a line cannot be drawn as to when an officer shall and shall not use his gun, is a disservice to both his men and the community.

We endorse in principle the recommendation of the President's Crime Commission that:

"A comprehensive regulation should be formulated by every chief administrator to reflect the basic policy that firearms may be used only when the officer believes his life or the life of another is in imminent danger, or when other reasonable means of apprehension have failed to prevent the escape of a felony suspect whom the officer believes presents a serious danger to others."¹

Other departments have given their officers guidance by issuing departmental orders informing them when not to shoot. In early 1970, the Committee staff gave the former and present Chiefs a copy of a general order issued by another police department on this subject; they read it and agreed that it seemed good, but stated that the time was not ripe for such an order because of the recent killing of an officer. The Committee believes the time for a better policy is overdue.

Since this is a matter of policy it clearly falls within the responsibilities of the Police Commission and we urge them to issue a general order following the recommendations of the President's Crime Commission. Following this chapter is an appendix containing firearms regulations recommended by Professor Samuel Chapman of the University

¹Crime Commission, p. 119.

of Oklahoma, who was an Assistant Director of the President's Crime Commission.² We believe that these regulations in no way jeopardize the safety of police officers and give them necessary and helpful guidelines on when and when not to fire their weapons.

During the past year the department has decided a .357 Magnum is to be the standard weapon of the department and shall be issued to each man. The most common weapon of the police in the past has been a .38 caliber pistol. The far greater destructive power of the Magnum and the .357 shells that will also be furnished make it more important than ever that gun regulations be issued immediately.

B. Carrying Guns While Off Duty

The Rules and Procedures (#7.11) require an officer off duty to carry a revolver (and handcuffs). An explanation for this rule has been that the number of officers on duty at any one time are insufficient to give adequate protection to the community.

The rule should be revoked. Officers are entitled to lead normal lives like other citizens. Obviously, this is impossible if they must carry guns while on family outings or engaged in recreational

² Professor Chapman is Director of the University of Oklahoma's Police Administration degree program, and is a former Police Chief of the Sheriff's Police Department of Multnomah County, Oregon.

activities. If an off duty officer must carry a gun, he is obviously expected to use it, and to require a man who is with his family to expose them to the dangers of a shoot out is onerous and unnecessary. The possible advantages to the community of the present policy are far outweighed by the inconveniences and disadvantages to the officers.

The rule also results in many officers having to buy a second gun. The regulations require an on duty officer to be equipped with a revolver with a minimum barrel length of four inches, while he is allowed to carry a gun with a two inch barrel while off duty. The weight and bulk of the larger gun make it so inconvenient to carry in civilian dress, that most men buy a smaller gun at their own expense.

We would neither require nor prohibit the carrying of a gun while off duty. We recommend that officers be given the option of carrying a gun while off duty. However, certain prohibitions should be set by the Police Commission and the Chief, the most obvious one being to prohibit the carrying of a gun while drinking. Other guidelines that may be deemed necessary should be established.

C. Police Range and Weapons Training.

Forty six hours of firearms training are given San Francisco police officers, including thirty-six hours on the firing range, six hours on legal aspects and policy, and four hours on the use of

special weapons. P.O.S.T. requires only twelve hours of such training. We think the additional training given San Francisco officers is most desirable.

When our staff first went to the range in 1969, nine officers were permanently assigned there, and a substantial portion of their time was spent in hand loading ammunition. Staff pointed out the waste of manpower and the needless expense. Subsequently, four of the nine men were assigned elsewhere, and the department now purchases its ammunition at a saving of over \$20,000 a year.

At that first visit our staff observed that the range was unsuitable for adequate police weapons training as it was designed for National Rifle Association bulls-eye shooting rather than a practical police weapons course. Subsequently, makeshift alterations have been made; however, the range is still not up to the standard of a modern police firearms range.

The Committee recommends:

(42) That the Police Commission issue a general order and directions on the use of deadly force following the policy recommended by the President's Crime Commission:

"...that firearms may be used only when the officer believes his life or the life of another is in imminent danger, or when other reasonable means of apprehension have failed to prevent the escape of a felony suspect whom the officer believes presents a serious danger to others."

(42a) That the Police Commission issue a general order and directives on the use of deadly force.

APPENDIX

to

WEAPONS AND WEAPONS TRAINING

by

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The principles contained in Sections I and II are sufficiently universal in nature to be applied to a police agency of any size or location throughout the United States. Section III and IV, however, may have to be revised so that its language conforms with the size, organization, and rank and title terminology of individual departments.

I. Policy

The policy of this department is that members shall exhaust every other reasonable means of apprehension before resorting to the use of firearms.

II. Regulations*

- A. An officer shall not discharge firearms in the performance of his police duties except under the following circumstances and after all other means fail:
 - 1. In the necessary defense from death or serious injury of another person attacked.
 - 2. In the necessary defense of himself from death or serious injury when attacked.
 - 3. To effect an arrest, to prevent an escape, or to recapture an escapee when other means have failed, of a felony suspect when:
 - a) The crime for which the arrest is sought involved conduct including the use or threatened use of deadly force; and
 - b) There is a substantial risk that the person whose arrest is sought will cause death or serious bodily harm if his apprehension is delayed.
 - 4. To kill a dangerous animal or one that humanity requires its removal from further suffering, and other disposition is impractical.

*If a department elects to adopt a policy which permits officers broader license than proposed in the model, then it should include a statement in Section II which says, in essence, that: "An officer shall not fire at persons known to be or suspected of being juveniles (persons less than 18 years of age) except under circumstances which come within the provisions of Section II A, 1, 2, and 3 of this policy."

5. To give alarm or to call assistance for an important purpose when no other means can be used.
 6. For target practice at an approved range.
- B. Firearms shall not be discharged under the following circumstances:
1. As a warning.
 2. At moving or fleeing vehicles unless the circumstances come within the provisions of Section II A, 1, and 3 of this policy.
- C. An officer shall file a written report through established channels to the police chief immediately following the purchase, replacement, loss, or other disposition of a police firearm, and shall list a complete description including the serial number. A report concerning the loss (including theft) of a police firearm shall include all facts surrounding the loss.

III. Procedure to be Followed When Firearm is Discharged (Except at an approved range)

- A. Notification and report by member involved.
1. Whenever a member discharges his firearm either (a) accidentally, or (b) in the performance of police duty, he shall verbally notify his on-duty supervisor as soon as time and circumstances permit, but in no event later than the conclusion of his current tour of duty. If a command officer is not on duty in his division at the time of the discharge, the member shall verbally notify the ranking officer on duty at the time.
 2. The member who discharged his firearm shall file a written report of the incident through established channels with the police chief and a carbon copy with the member's superior within 16 hours of the incident.
 3. If the member who discharged his firearm is hospitalized or fatally injured the tour of duty and incapable of filing the report required in paragraph 2 of this subsection, his supervisor is responsible for filing as complete a report as possible pending further departmental investigation.

III (Cont'd)

B. Investigation by a Command Officer.

1. Each discharge of firearms shall be investigated personally by the on-duty command officer of the member involved. If the discharge occurs when there is no command officer on duty in the division to which the member is assigned, the ranking command officer then on duty shall personally conduct the investigation when notified that the discharge of firearms has taken place.
2. After conducting a thorough investigation of the circumstances attending the discharge of firearms, the command officer shall submit a detailed written report of the results of the investigation to the police chief through channels. The report shall also contain the observation and conclusions of the command officer as to whether the discharge was justified and in accordance with this order.

IV. Board of Review

A. Membership of the Board.

1. There is established a board of review consisting of the following members, along with others who may be designated by the police chief:
 - a) The commanding officer of the patrol division who is designated chairman of the board.
 - b) The commanding officer of the training section.
 - c) One supervisory officer of the member who discharged the weapon.

B. Meetings of the Board.

A meeting of the board shall be called by the chairman within a reasonable time after the report of a firearms discharge comes to his attention.

C. Authority of the Board.

1. The board is authorized to review the circumstances attending each discharge of firearms by a member of the department, and to recommend to the police chief disciplinary action. The police chief makes the final decision whether disciplinary action is to be taken against the officer, and the nature and extent of the action.
2. The board shall make or receive recommendations for the modification of the department's firearms use policy and shall make recommendations concerning training necessary for the effective implementation of such policy.

Regardless of the exact format adopted, a department's firearms policy should be written and each member should be furnished a copy. In addition, the administrator may wish to have produced a "brief" of the policy which would extract the essential elements in a condensed form easily handled and carried in the pocket or notebook of officers for periodic reference purposes.

Implementation

Policy-making is an internal matter, a process which springs from within each of America's 40,000 police agencies. The law may dictate, the public may react, and the police department may suggest, but the police administrator must be held ultimately responsible for the formulation and implementation of the fire-arms policy best suited to the needs of all concerned. The chief also bears responsibility for insuring that policy, once made, is adhered to.

While recognizing that policy formulation is an internal matter, it is equally apparent that the notable range in scope and design found among police firearms use policies throughout the United States is neither efficacious nor desirable. This becomes especially evident when one acknowledges that in principle the 40,000 American police agencies enforce essentially the same laws and may resort to using deadly force under approximately similar conditions and circumstances. One may conclude that it is reasonable as well as timely to encourage the nation's police to adopt a firearms use policy which is essentially uniform in nature.

In its 1967 report to the President, the National Crime Commission recommended:

A comprehensive regulation should be formulated by every chief administrator to reflect the basic policy that firearms may be used only when the officer believes his life or the life of another is in

imminent danger, or when other reasonable means of apprehension have failed to prevent the escape of a felony suspect whom the officer believes presents a serious danger to others.*

The model firearms use policy described earlier includes the policy principles recommended in the National Crime Commission Report. The model policy provisions are humane, yet operationally feasible.

If the Commission recommendation is to be implemented, national and state-level police associations must commit themselves to adopt a model policy statement as contained herein. These associations include many influential groups such as the International Association of Chiefs of Police, the National Sheriffs' Association, the Fraternal Order of Police, and the International Conference of Police Associations, as well as branches of such associations at the state and local level throughout the United States. And several non-police governmental professional associations such as the International City Managers' Association, the National League of Cities, the National Association of County Officials, the National Conference of Mayors, and the National District Attorneys Association, to mention only a few, are concerned with the formulation and the implementation of effective firearms policies.

Police professional and governmental organizations, as partners dedicated to fostering broad improvements in law enforcement, may advise, assist, and encourage the police to implement sound principles and policy. The model firearms use policy presented above may be recommended and supported on the basis of its utilitarian and humane nature, concise direction, and internal accountability. The fact that it costs nothing to install, other than the time involved in some careful staff study backed by recruit and in-service training time, warrants notice. It is timely for police administrators to act.

Conclusion

Undeniably, the ultimate decision to shoot or not to shoot rests with each officer as an individual. Consequently, the police administrator must insure that every officer has a clear understanding of what is required, permitted, and forbidden by departmental policy and

*The President's Commission on Law Enforcement and Administration of Justice; the Challenge of Crime in a Free Society, (Washington, D.C.: U.S. Government Printing Office, 1967), p. 119.

by the law. This responsibility can only be met by providing each officer with clear, concise, and comprehensive policy guidance and the training and supervision necessary to insure that the department's policy becomes a constituent element of the behavior pattern of every individual concerned.

The very nature of the question of using deadly force in our free society dictates that the issue will continue to be the focus of a wide variety of groups external to the police organization. Effective law enforcement in the United States demands the implementation of uniform, humane, and workable regulations governing the police use of firearms. The complexities of a rapidly changing society will no longer permit the risk or procrastination.

One large southern police department concludes its firearms training course with the following terse but meaningful laconism which summarizes the intent of this entire exercise:

Quick action is often necessary with no time for deliberations and you must be right. Ask yourself one question before you fire -- AM I JUSTIFIED IN KILLING? If you are in doubt,
DO NOT FIRE.

VIII. WRITTEN DIRECTIVES

After policy has been formulated, its consistent and effective implementation requires that it be communicated to department personnel in comprehensible directives.

In the San Francisco Police Department, written directives are contained in either the Rules and Procedures of the department, or in departmental orders issued from time to time. The Crime Committee believes that both are in need of substantial revision in content and usage.

A. The Rules and Procedures

The Committee has been unable to determine when the Rules and Procedures was last revised; the staff was told that a revision had been made in 1968, but inspection revealed that this was no more than a reprinting. No one in the department knows when a previous substantive revision was made. The Crime Committee staff is familiar with numerous manuals of other police departments, large and small, and believes that the Rules and Procedures of this department must be revised. The Committee is aware that some revision of the Rules and Procedures is currently being carried out by the Planning and Research Bureau. The following observations and recommendations, we believe, should be helpful.

The Rules and Procedures is poorly organized. The functional responsibilities of the various ranks are spread throughout the manual; they should be assembled and grouped by the rank or position to which they apply. The language is often awkward and unclear. The Rules and Procedures is largely an abstract statement of duties, with very little specific information of procedures to be followed in carrying out those duties. Moreover, essential items that should be included are missing. There are no sets of directives on reporting procedures, line procedures or patrol techniques. These are basic subjects covered in the manuals of the better police departments.

The section dealing with Juvenile Procedures was written in 1959 and does not reflect numerous, significant changes in those procedures since that time. Consequently, operations involving juveniles are not standardized throughout the department. Other procedures badly out of date are those to be followed in the event of a major disorder, and instructions for communications personnel.

B. Orders

Section IV of the Rules and Procedures defines the various types of orders which may be issued to supplement the Rules and Procedures. Section IV provides for General Orders, Permanent Orders, Special Orders, Personnel Orders and Bulletins. This system of classification

is needlessly complex. It is often difficult to determine into what category a particular order fits, and the definitional scheme is often not followed.

There are also critical defects in the system of issuing and maintaining orders. There are no procedures for incorporating Permanent Orders into the Rules and Procedures, and for removing outdated orders. As a result, "permanent" orders include obsolete orders, and the difficulties in determining which orders are still applicable are compounded by the absence of any indexing system.

What is needed is an up to date comprehensive index of all orders. If one wishes to locate an applicable department regulation on a particular subject, he must look through several sets of orders as well as the Rules and Procedures. Because many of the sets of orders in the stations and bureaus are incomplete, the heads of these units and their officers are not certain they have all applicable regulations on any subject. The system also fosters duplication and inconsistency. For example, the procedure for investigating complaints of officer conduct specified in "Permanent Order No. 2," issued April 17, 1967, is inconsistent with the procedure required by Section 2.177 of the Rules and Procedures, and with the older Permanent Order No. 10, issued June 26, 1957.

In contrast, most departments utilize only general and special orders (i.e., permanent and temporary orders). General orders are

indexed when issued and, after a period of time, they are either incorporated into the manual of the department, or removed.

C. The Lack of Directives on Important Matters

The most critical defect in the written directives of the San Francisco Police Department is that there are no statements of departmental policy on many fundamentally important procedures.

A particularly significant example, as we pointed out in the chapter on Weapons and Weapons Training, is that there is no rule or order describing the circumstances under which an officer may draw and use his gun.

An example of a dangerously inadequate directive is that concerning the use of the chemical weapon, MACE. The order concerning the use of MACE appeared on the third page of General Order Number 54 (issued June 15, 1967), following an "order" reporting that certain parochial schools would have summer sessions, and in its entirety reads as follows:

This department has started a limited use of the chemical MACE. It will be used in situations such as serious resistings of arrest.

Following this sentence is a directive for the submission of a "miscellaneous report" if MACE is used. This terse order was issued without obtaining a study or recommendation by the Planning and Research Bureau; in fact, the Crime Committee staff could find no

evidence that any study was ever made in the department of the use and limitations of MACE before the order was issued. Clearly, the Chief's order gave officers little guidance as to the circumstances under which MACE could be used or the manner in which it should be used. As a result, in some situations where the use of MACE was clearly called for, it was not used and officers were injured by violent arrestees.

A sergeant at one station reported that only sergeants have MACE, but they have no adequate instructions on how to use it. He told of an incident that occurred at Potrero Station. An inmate placed in the detention cage violently assaulted another inmate and severely injured two officers who tried to stop the attack. The sergeant believed that had MACE been available, neither the attacked inmate nor the two officers would have been seriously injured. He pointed out, however, that even if they had MACE, there had been no adequate instructions in its use.

The insufficiency of the MACE order is even more obvious when it is compared with MACE orders issued by other departments. We include at the end of this chapter the order issued by the Oakland Police Department concerning the use of MACE. This type of clear directive is not found in the San Francisco Police Department on this and other key subjects.

Frequently, when directives have been issued by the department, their effectiveness has been limited because they are inordinately

difficult for the officer to understand.

It is both obvious and imperative that orders and directives be written clearly and concisely so that they are intelligible to every officer who must follow them.

One lieutenant commented that the department's orders, rules, procedures and regulations are so "garbled," that the men do not understand them and thus have no idea where they stand. He cited examples of this. The first example he gave was an ordinance on sound machines or loud-speaker systems. He stated that previously the department had a very simple order which was understandable and had been enforced successfully for several years. Later, the order was rewritten into several pages. Because no one understood the new order, no one was enforcing it. He also said that the department had for years licensed cabarets and places of entertainment. He stated that he had seen a new order on cabaret licensing which would soon go into effect. The new order consisted of several pages of special rules and provisions, techniques and procedures. He said he had read it and did not understand it. He said he would instruct his crew as to how he understood it should be enforced, but he was certain that other watch commanders and even station captains would interpret the new order in different ways because of its ambiguity.

Because of such deficiencies in the written directives of the department, it is understandable that uniformity is lacking in the department. The absence of instructions in some areas and the difficulty of understanding directives in other areas has resulted in improvisation by department personnel when necessity requires action. The Committee staff has personally observed lack of department-wide uniformity in station watchkeeping, dress, use of DIGICOM equipment, and standards for off-duty conduct. The absence of clearly articulated department policy results in action being taken hesitantly and insecurely, or not taken at all because officers lack confidence that the department will stand behind their actions.

D. Dissemination of Directives

In many metropolitan police departments each officer receives his own copy of the Department Manual and is responsible for keeping it current. In San Francisco, each officer is supposed to have a copy of the Rules and Procedures, but no attempt is made to determine which officers do have copies and whether the materials are up to date.

In other departments, each officer receives an individual set of General Orders; when new orders are issued, each officer must sign for a copy and is held responsible for knowing its content and inserting it in his set of orders. In San Francisco, officers do not have their own set of orders. Each station and bureau is supposed

to keep a set, but staff investigation showed that some do not, and of those that do, many are incomplete. Most are not readily accessible and random questioning revealed that many officers did not know where the set of orders at their unit was located. Furthermore, distribution of orders in the various units is neither systematic nor uniform. Sometimes new orders are read at roll call, sometimes they are posted, sometimes they are merely filed. There are no procedures to insure that each officer is familiar with the new order. There is no system for communicating an order to officers who were absent when and if it was read.

Orders should be distributed and discussed at daily roll call sessions. If patrolmen have a criticism or question about an order, they should use this opportunity to raise and discuss the problem. This should serve as an important source of feedback to the department. Roll call sessions are held in many units of the San Francisco Police Department, but they should be held regularly in all of them. Moreover, in units where they do occur, the sessions are frequently conducted in a perfunctory manner. The principal activity is the reading of reports of recent crimes and of persons who are wanted throughout the city; occasionally the patrolman's attention is directed to matters for which he should be particularly alert. However, as far as the Crime Committee staff was able to determine, there is rarely any discussion of departmental rules, procedures or new policies.

There are many undesirable results of the failure to circulate adequate directives. Without proper guidelines, the difficulties of an already difficult task are increased. Although the very nature of a policeman's work requires the use of considerable discretion, some direction must be given, certain boundaries must be drawn, and certain standards must be set. Because there are no standards, there is little uniformity and there is no fair way to evaluate performance. There are many routine operations in the department which have never been covered by directives, and how they are carried out depends almost entirely on the attitude of the commander of the particular station. Numerous officers told the Committee staff that one may find a captain's unwritten policy or written order covering a certain procedure at one station, but at another station the procedure is entirely different and may not even be articulated.

The absence of clear directives makes for poor discipline and poor law enforcement. The admonition of the Task Force on the Police contains advice for San Francisco:¹

...Lacking a formulated policy and thus a pre-announced basis for internal disciplinary action, the police administrator is hesitant to impose sanctions upon the individual police officer who acts improperly but whose conduct does not violate the law or departmental regulations.

1

Task Force Report: The Police, p. 20.

The police administrator finds himself caught in a conflict between his desire to be responsible to a citizen who has reason to complain about a policeman's behavior and his fear of the reaction of his force to seemingly arbitrary discipline where there is no clear breach of a pre-announced standard of proper conduct.

This reluctance to characterize an officer's conduct as unwise is increased when the administrator feels that to do so will result in either the officer or the municipality being sued for damages. The administrator, therefore, may be placed in the position of defending a given action as legal, and thus seemingly "proper," even though it reflected poor judgment on the part of an officer. To minimize the chance of similar situations in the future, the administrator may urge his subordinates to use "common sense," but this is not very effective unless he is able to indicate more clearly what "common sense" is in the wide variety of situations confronted by the police officer.

Formulated administrative policies to which police officers are required to adhere would provide a basis for disciplining those who violate them and would serve also in a positive way to inform members of a force what is expected of them. Progress in elevating the quality of law enforcement is much more likely to come about as a result of trying to induce conformity to standards prescribed by department policy than by relying solely upon those minimal "legal" standards which must be adhered to to avoid civil liability or to avoid having important evidence suppressed in a criminal prosecution.

The Committee recommends:

(43) That in revising the Rules and Procedures, the department reorganize it, bring it up to date, and revise those sections which are inadequate. In adding important material not now present, particular attention should be given to directives on reporting procedures, line procedures and patrol techniques. The Rules and Procedures should be well indexed;

(44) That the existing orders should be examined and either reissued, withdrawn or modified. A system should be established for indexing all orders, and for periodically reviewing them to determine whether they should be withdrawn or incorporated into the Rules and Procedures of the department;

(45) That a system be established to ensure that each officer receives a set of the Rules and Procedures and of all orders and revisions, and is held accountable for their contents;

(46) That the department issue orders which state departmental policy and set forth procedural guidelines for performing law enforcement duties;

(47) That daily roll call sessions be restructured and made part of a continuing in-service training program.

APPENDIX

OAKLAND POLICE DEPARTMENT REGULATION ON MACE

OAKLAND POLICE DEPARTMENT REGULATION ON MACE

I. Policy

- A. Chemical MACE is to be considered a defensive weapon and it shall be used as such with discretion and care.
- B. Chemical MACE is intended primarily for use in those cases wherein the officer is attempting to subdue an attacker or a violently resisting suspect or under other circumstances within the rule of law, which permits the lawful and necessary use of force and which is best accomplished by the use of MACE.
- C. The use of MACE, in appropriate circumstances, may be considered as an alternative to the use of the baton. Chemical MACE, is not considered to be a replacement for the police baton, service revolver, or other firearms.
- D. Chemical MACE shall never be used indiscriminately nor shall it ever be used in anticipation against mere threats of violence and resistance.

II. Regulations Governing the Use of MACE

- A. MACE may be used in the performance of a police duty subject to the following restrictions:
 - 1. MACE shall be applied to subjects from a distance of three feet or more in every circumstance over which the officer can exercise control. The use of MACE at lesser distances should only occur under extreme conditions.
 - 2. The duration of the application of MACE shall be limited to the absolute minimum required to effectively control the subject. Normally this requires no more than a one second application.
 - 3. Great care shall be exercised in using MACE upon persons who confine themselves in closed

vehicles, and refuse to emerge and who resist being taken therefrom. In such cases MACE shall be used only as the last resort in preventing injury to subjects and officers. Removal from vehicles shall be accomplished as quickly as possible after the application of MACE.

- B. Persons upon whom MACE is used must be alert, in possession of their normal protective reflexes such as blinking, eye closure, breath holding, turning away from the applied stream and the like.
- C. MACE shall not be used on a person once he is secured and properly in custody.
- D. MACE will be used in demonstration, riots and other civil disorders, only under the direction of superior officers of the department from lieutenants through the Chief of Police.

IX. FISCAL MANAGEMENT

The 1970-71 operating budget for the San Francisco Police Department was over 31 million dollars; the 1971-1972 operating budget for the department was over 35 million dollars.¹ A budget of this size should be the result of a careful planning process which identifies the services to be performed, projects to be undertaken, and costs of carrying them out.

Decisions must be made, therefore, as to what the department proposes to do in the ensuing year. Estimates must be made of manpower, equipment, space, supplies, and other requirements needed to carry out the proposed service program. These must be translated into cost figures. The various items, their cost, and their justification become the budget request when prepared and presented in appropriate format.

The budget also is a control device to assure that expenditures are made in accordance with the purposes for which the appropriations were made and that they do not exceed the specific amounts appropriated for them. The budget, thus, is a management tool that tends to assure that work programs are carried out as planned. Administrative control is thereby simplified and made more effective.²

Neither of these functions, that is, cataloging departmental needs and controlling expenditures, is being accomplished by the fiscal management system used by the San Francisco Police Department.

¹The entire budget for 1971-1972 was over 44 million dollars, but this includes retirement and social security benefits of about 9 million dollars which were transferred to the police budget for the first time.

²MPA, p. 44.

The inability to evaluate requests for additional resources may have an effect upon city allocations to the department. As the 1967 Police Management System Handbook, published by the International Association of Chiefs of Police, points out:

The success of a police department is partly dependent upon the ability of the administration to obtain the men, equipment, buildings, and programs needed to carry out its objectives. Not so obvious, however, is the importance of a sound budget procedure. Cities rarely have enough money to be able to appropriate all of the funds requested by each of the municipal departments, and as a result, there is considerable competition for whatever money is available. The department that justifies its request with indisputable factual arguments is most likely to get what it wants. The legislative body, regardless of its qualifications, appreciates being given the kind of information which it can use to make sound decisions. Deprived of the opportunity to assess the department's programs -- and the facts backing up these objectives -- the legislative body is much more likely to base its decisions on sentiment, personal relationships, or as a reaction to community pressure.³

Fiscal supervision is the responsibility of the Planning and Research Bureau. In 1970, for the first time, the Bureau was able to obtain a full time civilian administrative analyst who is also a budget specialist. Prior to last year, the work was done by sworn personnel.

³Police Management System Handbook, International Association of Chiefs of Police, 1967, p. 44.

A. Expenditure Control

The San Francisco Police Department has no system of expenditure control for any of its units. Without such controls, there is no way for the department or any unit to determine periodically whether it is operating within its budget or exceeding it. Should the department run out of funds before the end of the fiscal year, a supplemental request for additional funds is submitted to the Mayor and the Board of Supervisors.⁴

The method used to prepare the annual budget highlights the defects in the present system. At the beginning of September, each unit commander is directed to submit his budget request before the end of the month. The forms used for the submission properly break down the budget requests into three categories: personnel, equipment replacement, and additional equipment. With each request the unit must submit a Budget Request Justification, explaining the need for the proposed expenditure. However, the form used by the department, and the responses submitted lack information essential to the proper evaluation of budget requests. Usually, the replies do not indicate the current resources of the unit, the demands on those resources, the change in demands from previous years, or other information that would permit a budget analyst to evaluate the need for increased expenditures.

⁴In March 1971, the department requested an additional \$200,000 for overtime pay to carry it through the balance of the fiscal year.

At the district stations, for example, the preparation of the budget request is generally assigned to the station clerk. The Committee staff was told that in many stations, instead of analyzing the particular needs of the unit, the rule of thumb has been simply to add 15% to the prior year's budget request. Because no specific instructions or training have been given on budget preparation, most of the unit commanders understandably have come to dread this task and regard it as one of low priority. Entries often receive only cursory attention as to their accuracy.

The department does not use statistical data or predetermined formulae to determine the need for future expenditures or additional resources. Also, it is not until after the budget has been submitted to the city that Planning and Research has available the current year's statistics which reflect the work load of various units. But even if they did, these statistics are generally regarded as unreliable, and many unit commanders keep their own compilations of unit resources which they rarely submit for Budget Request Justification.

Since the department has no personnel deployment chart, the number of men assigned to and actually working in any given unit cannot be determined. As a result, it is impossible to evaluate the ratio of service calls to resources assigned to a unit, and to compare this ratio with that of other units, or with ratios of prior years. Furthermore, as there is no adequate inventory of materials and equipment on hand, there is no way to determine the sufficiency of current resources.

Regulation of overtime pay provides an example of the consequences of the poor budget management in the department. When the Committee staff last checked in 1970, officers submitted cards requesting overtime pay after they had worked the extra hours. These cards were routinely signed by unit lieutenants and forwarded to the Personnel Bureau for payment. No advance authorization to work overtime was required; no record was kept of the total number of overtime hours worked by individual officers, by shift, or by unit. During the first quarter of fiscal 1969-70, overtime wages paid in the department were almost half a million dollars, and the accounting section had no way of determining what needs had arisen to require this amount of overtime, or which units were primarily responsible for the overtime.

There are other aspects of fiscal supervision which require improvement. There is no regular validation or spot-check system to ensure that invoices submitted to the department are accurate. Analysis of the soundness of various expenditures is frequently lacking. For instance, police vehicles needing repair are taken to a city-operated shop which performs the repairs and bills the police department. No record is kept of the units from which the cars come, nor is any record kept as to whether the repair expenditures are within the unit's budget. Moreover, no determination is made as to whether expenditures on a particular car are economically sound or whether it might not be cheaper as well as safer to replace the car. A study prepared by the

Crime Committee staff showed, to take but one example, that in 1966-67, \$1,902.20 was spent to repair a 1960 model police car, and \$1,102.43 was spent to repair the same car the following year. Each of these repairs exceeded the value of the car. The study showed a similar pattern with respect to many other police cars.

No one in the department has been given the responsibility to study department expenditures, analyze them, and suggest cost-savings that could be realized through more efficient operations.

There is little budgetary coordination between related units and bureaus in the department. For instance, the budget requests of the nine district stations are not regularly reviewed by the supervising captain of patrol. Many police departments work with ratios between the budget requests of one unit and another, so that a change in one unit can be taken into account when the budget is planned for others. This does not take place in the San Francisco Police Department.

B. Catalogue of Future Needs

The San Francisco Police Department has no fiscal master plan, and no policy for meeting future needs. In 1969, the department required unit commanders to submit anticipated budget requests for each of the three succeeding years, apparently in an attempt to produce some advance planning. Because of the lack of the ability and training of personnel in budget preparation, inadequate research, failure to devote sufficient thought to future needs, or a combination of these factors, the projections could not be used.

The department has operated for so many years without observing sound procedures in budget preparation and expenditure controls, that few, if any, of the personnel know how to prepare or use a budget. In other police departments which follow sound budgetary procedures officers are educated and trained in these matters as they move upward in the chain of command. This has not been done in San Francisco.

The Committee recommends:

(48) That to resolve its immediate needs, the police department utilize a competent civilian comptroller to direct Fiscal Affairs and set up sound systems of budgetary planning and supervision and use civilian assistance. The comptroller should work with the Training Bureau to provide budget training for command level officers. At some later date, the department can determine whether this Fiscal Affairs unit should be permanently staffed by sworn personnel or by civilians;

(49) That a separate budget be prepared for each unit in the department, and the commander of each unit be held responsible for operating within his budget;

(50) That budget requests for each unit be reviewed by the comptroller and the unit commanders, and coordinated with the budget requests of other units and with the future plans of the department.

X. PERSONNEL BUREAU

There is no unanimity among police administrators as to the precise role and responsibilities that should be assigned to the Personnel Bureau. However, by any standard, the Personnel Bureau of the San Francisco Police Department has been delegated numerous responsibilities that should be assigned elsewhere, and, in part as a result of this over-extension, it is not properly performing what should be its principal functions.

At present, the Personnel Bureau is responsible for the following: selection, recruitment and training of officers; maintaining personnel records; administering the payroll; performing background investigations for new applicants. It is also responsible for physical training, the firing range, the police surgeon, the chaplain, the department arsenal, and the underwater rescue and recovery unit.

Many of these responsibilities should be transferred elsewhere in the department. On the other hand, at least one important responsibility the Personnel Bureau does not have now should be vested in it. The bureau should be charged with the positive job of assessing the skills and qualifications of officers in the department so that

it can advise the Chief and other ranking officers of the best men available for certain positions and assignments. This, for example, would permit a rational assignment of personnel, instead of the present irrational system which goes under the name of "like-work, like-pay," that is discussed later in this chapter.

The handling of background investigations is a time consuming and demanding task requiring investigative skills, and might better be handled by the Internal Affairs Unit that, elsewhere in this Report, we recommend establishing. The underwater rescue and recovery unit performs no function in any way related to the Personnel Bureau.

A. Training

Consideration should also be given to transferring responsibility for departmental training from the Personnel Bureau to a separate Training Bureau within the staff services division. Although the Task Force on the Police does place responsibility for training in the Personnel Bureau, some police departments and administrators regard this task as a separate function, more efficiently operated outside the Personnel Bureau.¹

¹See M.P.A., p. 36.

B. Sick List

The sergeant supervising the Personnel Records Division spends a considerable portion of his time preparing a weekly "sick list." This report, which is submitted to the Police Commission, contains the name, assignment, rank, cause of absence, attending physician and other related information for each member of the department who was incapacitated during the previous week. In the opinion of those members of the Crime Committee staff familiar with practices in other departments, this list is not worth the great expenditure of time it requires. This view is supported by some of the ranking officers in the department. Monitoring the illness of officers should be a line supervision function. Each unit should be responsible for recording the illness of its members, determining that the absences are justified, and temporarily replacing the sick officers. At present, sick lists are not sent to unit commanders, and inquiries are not routinely made by the commanders as to the justification for absences of men under their command.

If December 10, 1969 (when our staff conducted a personnel inventory) was a typical day in the department, absence would appear to be a serious problem that requires tighter controls. Of the 965 men assigned to the district stations and the Crime Prevention Unit, 257 or over 27 percent were absent.

C. "Like-work, Like-pay": An Irrational System of Assigning Personnel

A most unwieldy system which seems to make little sense and raises administrative havoc in the department is the "like-work, like-pay" rule of the Civil Service Commission. Under this system, the temporary replacement for a supervising officer who is absent for more than one shift must be the highest man on the Civil Service promotional list for that position. The substitute who performs the "like-work," receives the "like-pay" during the time he assumes the other man's duties. This frequently results in a chain reaction. When, for example, a captain is ill or on vacation, the lieutenant at the top of the promotional list for captain takes his place, then the sergeant at the top of the lieutenant's list takes the lieutenant's job, and the patrolman at the top of the promotional list for sergeant takes the sergeant's job.

One of the peculiarities of this system is that whether the substitute draws "like-pay" depends not on the work that he is doing but on the reason for the absence. For example, if the man whose duties he is assuming is sick or on vacation, the replacement gets the higher pay; if the man is off at a training academy or on an assignment, the replacement does not get the pay. Many men feel that this is illogical and inequitable. Even more important, however, is that this system breaks down effective administration. For example,

an officer whose only qualification for replacing a lieutenant in a district station is that his name is first on the promotional list, probably knows nothing about the men, the beats, or other workings of the station to which he is temporarily assigned. As a result, the replacements often draw pay for jobs with which they are unfamiliar, and in all probability the actual work is done by someone else who is more knowledgeable. Also the paperwork involved in this manpower shuffling takes up a great deal of the time of the Personnel Bureau and the Comptroller's Office, particularly in the summer when a large number of men take their vacations.

The "like-work, like-pay" rule now comes into play after one shift; if it is not to be abolished, it should at least not be applicable until the substitute has held the position for thirty days.

D. Personnel "Accounting" and Deployment of Manpower

A primary function of the Personnel Bureau should be maintaining an efficient system of "personnel accounting" -- i.e., maintaining records of the assigned complement for each unit, and the actual strength of each unit, so that at any time the department can quickly determine where officers actually are working and where shortages exist. For example, the records may show that 82 men are assigned to a particular station, but actually only 69 men are working there

because 13 may be "detailed" elsewhere for temporary or semi-permanent duty. (These are actual figures of Ingleside Station on December 10, 1969 when our staff conducted a personnel inventory.)

The current personnel accounting system used by the department does not provide the Personnel Bureau with the data need for proper evaluation of manpower deployment. Personnel inventories from each unit are collected and combined. The bureau uses these department-wide evaluations, rather than those of the individual unit. Absences are noted not by individual detail or unit, but by general job classification. This system makes determination of the need for replacements or additional personnel for a particular unit needlessly difficult. Also it renders budget analysis of the individual unit impossible, or at best grossly inaccurate. The most useful and accurate method of personnel accounting would be one in which both a unit and department-wide inventory were regularly kept.

The Crime Committee staff, working with officers from the Personnel Bureau, made an attempt to determine the department's allocation of manpower on December 10, 1969. It required approximately 6 man days to find out where the officers of the department were actually working. Moreover, the information produced was of limited

value because the prevailing practice of constantly "detailing" men between units made the data inapplicable to any other day.

Detailing officers from one unit to another is both the cause and effect of much of the inadequacy of the personnel accounting system. It is a regular practice in the department to temporarily transfer -- or "detail" -- officers assigned to one unit to another unit. Frequently the Supervising Captain "details" men, sometimes the Chief's office does, and sometimes by informal arrangements among themselves, the station captains do so. When officers are detailed in such a fashion, the Personnel Bureau is often not notified and therefore has no record of the transfers. Therefore, there is no systematic way for them to determine where an officer is actually working at any given time. A substantial number of officers in several units are detailed from other units. This is particularly true of the officers assigned to city prison, Communications, the Warrant Bureau, and the Community Relations Unit. The 96 man Crime Prevention Unit consists almost entirely of men detailed from other units. Moreover, as special needs arise -- such as additional personnel for parades, visiting dignitaries, and athletic events -- units are regularly required to detail officers for these purposes. However, because the Personnel Bureau has no record of the actual strength of the unit from which officers

are taken, it cannot accurately determine which units can best spare the officers (even if it were consulted), or the extent to which its operational capacity will be impaired.

Weekly reports should be prepared listing the number of men assigned to each unit, the number of men actually present, and the variance. Records should be kept of all "detail" transfers so that the department at all times is aware of the actual deployment of its forces. Such information is not only essential in making informed day-to-day deployment, but is also necessary to evaluate performance of the units.

In July 1970, the department began a practice of issuing personnel orders. These orders, which have been provided for in the Rules and Procedures, but never used, note all the permanent transfers and promotions in the department. However, they do not record those men who are sick or detailed to other units.

E. Personnel Jackets

The Personnel Bureau is properly charged with maintaining personnel files for each individual officer. These files, or "jackets" as they are called, should contain the officer's initial employment application and all reports on his performance.

In San Francisco, the personnel jackets are incomplete. They do not contain all information concerning the officer's performance. If a complaint about the performance of an officer is investigated by the Bureau of Complaints, Inspection and Welfare, but not found meritorious, no record of the investigation is sent to the Personnel Bureau for inclusion in the officer's jacket unless the Chief of Police directs it. There is no systematic means for accumulating all information on an officer's performance, and thus no way to know which officers have been the subject of frequent complaints. In other departments, this information is collected in the officer's personnel jacket, regularly reviewed, and closely examined when the officer is being considered for promotion. Without this information, it is impossible to make an accurate appraisal of the officer's performance.

From statements frequently made by men in the department, it appears that there may be a deliberate policy to keep material that might indicate an officer's poor performance out of the files. Whether or not this is actually the practice and constitutes an unwritten policy, many officers approved it, saying that anything in the files could be subpoenaed by criminal defense attorneys or attorneys bringing civil suits against the officer or the city, and such information could be damaging to the man concerned.

We believe the files should be complete for internal personnel evaluation purposes. It appears to us that if an officer's conduct is such that records of it may help make a case against him, the department should not conceal these facts but should take whatever disciplinary or other action is necessary to protect the best interests of his fellow officers and the community.

F. "Skills Inventory"

The Personnel Bureau should also maintain what is normally termed a departmental "skills inventory" -- i.e., a classification of those officers possessing special skills, such as fluency in a foreign language, and other types of specialized ability and training. Section 3.217 of the Rules and Procedures directs that such information be collected by the Personnel Bureau, and, in fact, each officer completes a form listing his particular skills when he enters the department. However, the Personnel Bureau has not effectively catalogued this information. Members of the department do not periodically complete new forms to inform the department of new skills they have acquired as a result of advanced or special training. When special skills are needed, it is the practice to inquire throughout the department whether there is an officer who

can perform the task. It should be noted, however, that currently the bureau is exploring computerization of a skills inventory; this effort is strongly approved by the Committee.

G. Attendance Records for Payroll

The attendance system utilized by the San Francisco Police Department is also unnecessarily cumbersome. Daily attendance in each unit is entered first in the station log book, then transferred by a clerk to the captain's watch report, and then transferred to the payroll sheet maintained by the Personnel Bureau. Thus, three daily entries are prepared to record the presence of each officer in the department.

Most other police departments have abandoned this triple entry system long ago, replacing it with a simpler system that notes absences rather than daily presence and requires only one, or at the most, two entries. This substantially reduces bookkeeping time.

H. Other Forms

Finally there are many personnel forms used by the bureau and the department that should be consolidated and simplified. Comparison of the forms used in San Francisco with those of other

departments readily suggests numerous modifications, none particularly significant in itself, but taken as a whole they will bring about greater efficiency of operation.

The Committee recommends:

(51) That the department re-evaluate each of the functions presently assigned to the Personnel Bureau for possible reassignment to other bureaus;

(52) That the Personnel Bureau assess and keep current records of the qualifications of all officers. This will enable a more rational assignment of personnel to positions. The "like-work, like-pay" rule of the Civil Service system should be abolished; if that proves impossible, at least it should not apply until the substitute officer has held the job for at least 30 days;

(53) That monitoring of the weekly sick list be a regular line function with which the Police Commission not be bothered;

(54) That the department establish a system of personnel accounting which keeps up to date records of the number of personnel authorized for each unit, the number of personnel actually present at each unit, and the variance;

(55) That when an officer is "detailed" from one unit to another, a record of the transfer be sent to and kept in the Personnel Bureau;

(56) That the Personnel Bureau maintain complete personnel files for each officer, containing, among other things a record of all disciplinary proceedings concerning the officer, regardless of their outcome;

(57) That the Personnel Bureau maintain an indexed skills inventory of all department personnel;

(58) That the Personnel Bureau modernize and simplify its payroll record system;

(59) That the Personnel Bureau re-evaluate all personnel forms and reduce, consolidate and simplify them.

XI. BUREAU OF CRIMINAL INFORMATION

The Bureau of Criminal Information includes the Bureau of Identification, the Records and Complaints Section, the Statistical Section, the Central Warrant Bureau and, since last year, the Bureau of Communications which was formerly under the Administration Bureau.

Its primary function is to serve as a central repository of all data. The records of all persons arrested by the department are kept there, fingerprints are classified and stored, and the bureau serves as a place where investigators can come for a variety of data that will help them solve crimes and identify criminals. The bureau also gathers and publishes the statistics of crime, criminal arrests, and other information that appears in the Annual Reports.

For years, the bureau has had a number of critical weaknesses. Management was poor, the basic functions of the bureau were poorly coordinated, and the systems for data storage and retrieval were poor and inefficient. In addition there were personnel problems arising out of conflicts between civilian and sworn personnel who were performing the same duties. The problems became so acute that in 1968 the Chief had one of his officers study the record bureau and make recommendations to him.

A basic problem confronted by the Records and Complaints Section has been the inferior quality of the police reports submitted to them. Because the reports are frequently incomplete and not reviewed by their supervisors for accuracy, vital information necessary to the section is often unavailable or, if available, its accuracy cannot be trusted. In early 1970, the unnecessarily complex index system used by the bureau, the high workload, and the poor morale of the personnel had resulted in months of delay in the indexing process. Without a proper indexing system, the records are virtually useless, for the information cannot be tapped.

The records are also incomplete. File jackets do not contain all the information about cases because the men in the Bureau of Inspectors frequently fail to prepare supplemental reports showing the work that has been done on the case since the initial arrest. One result is that the Bureau of Criminal Information has no idea of the disposition of many cases and whether they have been closed or are still unresolved.

On the assumption that a modern business needs computers, the department embarked in a two million dollar program to computerize. But, in the current word of computer experts, "Gigo" -- garbage in, garbage out -- the department failed to take steps to make certain that the information that it intended to feed into the machines was accurate. It also failed to think through what information it wanted

to get out of the computers and how it would improve the department's effectiveness -- and the data fed into the machines was essentially useless. After \$70,000 to \$90,000¹ had been spent on this program, its deficiencies were uncovered by the Crime Committee staff and an independent computer expert hired by the Crime Committee. The program was then substantially modified after we called the matter to the attention of Chief Nelder who was then Deputy Chief.

Since Chief Nelder's appointment, efforts have been made toward improving operations. A private corporation with experience in police problems was retained to help improve and modernize the bureau's operation. It is still too soon to attempt to evaluate the success of their efforts and what improvement will result. However, any information system developed must dovetail with other plans of the department. Another private corporation is working with the department in developing and extending a communications system (DIGICOM), and concern has been expressed by knowledgeable people in the department that DIGICOM and the overall information system may not be compatible.

The Bureau of Communications is also now a part of the Bureau of Criminal Information. In 1969, the Crime Committee discovered that the police department was in the process of taking bids on radio equipment. There was no overall master plan for the future development of

¹This is an approximation as the exact figure could not be determined by the department.

communications, the proposed equipment might have been incompatible with other equipment needed in the future and if so, would then have to be scrapped. We were able to persuade the Police Commission and the Chief to allow Motorola Company to make an engineering study of the overall radio communication needs of the police. Motorola engineers spent thousands of hours doing this at no cost to the City, and gave a lengthy report to the Chief. The Committee did not have the technical staff to keep track of the progress that the department made in implementing this study. However, the last we heard several months ago, instead of purchasing portable radio equipment which would have enabled communication over six frequency bands and thus substantially increase its communications capabilities, the department had purchased equipment which operated only on four frequencies.

Also in the Bureau of Criminal Information is the Central Warrant Bureau, whose function is to serve criminal warrants. Our staff reports that this bureau is no longer an effective unit. Sworn personnel assigned to it have been reduced from 36 to 18. The primary work of the officers now consists of transporting people back to San Francisco from other jurisdictions where they have been identified as being wanted in San Francisco. The lack of personnel has resulted in vastly reducing the service of warrants on persons in San Francisco.

About a year ago, after the Crime Committee uncovered the failure of the Sheriff's Office to serve bench warrants, the courts turned service of these warrants over to the police department. We are advised that because of the shortages of personnel in both the Central Warrant

Bureau and in the Bureau of Inspectors, warrants are now being served only in extraordinary cases and the situation that led to the change has not improved.

The leadership of the department appears to believe that technology, systems, and science will answer its problems. The basic problems of the department will not be solved by machines; they are "people problems." Improvements in management, organization, allocation of resources, training, coordination and supervision must all take place before machines can be utilized to maximum advantage. When the Police Commissioner of New York was recently asked what he would do with more money for his department, he replied: "I would want to strengthen management ... improved management would give me more information to make the best decisions about allocating our resources."²

And so we conclude this long report on the San Francisco Police Department pretty much where we started -- on management.

²Interview with Patrick V. Murphy, Wall Street Reports, March, 1971.

APPENDIX A

USEFULNESS OF CRIME STATISTICS

USEFULNESS OF CRIME STATISTICS

Superficially, it would seem that a study of the effectiveness and efficiency of a police department should give much of its attention to analysis of statistics. Crime statistics, one would think, would furnish sharp, reliable answers to many questions. However, in this report as in our previous reports, the Committee has been unable to find any set of figures or statistics which gives satisfactory answers. Many discussions with law enforcement authorities, statisticians and others have made it clear that statistics can be of some value, as general indicators, but only after very careful analysis.¹

In some cases, the conclusions drawn from statistical data are so general that they are useless; in other instances, they are plainly misleading. Crime data from national, state and local agencies, are not adequate indicators at all.

1. A substantial amount of crime does not appear in the data because many crimes are never reported to the police.

It is impossible to know precisely how many crimes are not reported; studies done for the President's Crime Commission indicate

¹ It has been necessary throughout this report to use whatever figures were available. As often as possible, we have attempted to point out their reliability and weaknesses.

that the incidence of unreported crime is very high.² The following table from the Crime Commission report shows:

Table 5.—Victims' Most Important Reason for Not Notifying Police ¹

[In percentages]

Crimes	Percent of cases in which police not notified	Reasons for not notifying police				
		Felt it was private matter or did not want to harm offender	Police could not be effective or would not want to be bothered	Did not want to take time	Too confused or did not know how to report	Fear of reprisal
Robbery.....	35	27	45	9	18	0
Aggravated assault.....	35	50	25	4	8	13
Simple assault.....	54	50	35	4	4	7
Burglary.....	42	30	63	4	2	2
Larceny (\$50 and over).....	40	23	62	7	7	0
Larceny (under \$50).....	63	31	58	7	3	(*)
Auto theft.....	11	20 ²	60 ²	0 ²	0 ²	20 ²
Malicious mischief.....	62	23	68	5	2	2
Consumer fraud.....	90	50	40	0	10	0
Other fraud (bad checks, swindling, etc.).....	74	41	35	16	8	0
Sex offenses (other than forcible rape).....	49	40	50	0	5	5
Family crimes (desertion, non-support, etc.).....	50	65	17	10	0	7

SOURCE: NORC survey.

*Less than 0.5%.

¹ Willful homicide, forcible rape, and a few other crimes had too few cases to be statistically useful, and they are therefore excluded.

² There were only 5 instances in which auto theft was not reported.

² Task Force on Assessment of Crime, President's Commission on Law Enforcement and Administration of Justice, 1967, pp. 19-22.

The most common reason that victims gave for not reporting a crime is their belief that the police could not do anything about it. Thus a community that has little confidence in its police may report relatively few crimes, and the "crime rate" will fall. And a city with a high crime rate can conceivably have a more effective police department than a comparable city with a lower crime rate.

2. Comparisons of crime statistics of different cities and states are of dubious value because of variations in recording and reporting practices.

For example, the F.B.I. includes in its Crime Index Offenses thefts over \$50. In its equivalent category, the California Bureau of Criminal Statistics includes only thefts over \$200 (plus some miscellaneous items) because that is the amount set by the Penal Code Section 487 which defines "grand theft." The San Francisco Police Department in its 1969 Annual Report (the most recent one available) included under "Part I Offenses," two separate categories of thefts: Larceny \$50 and Over, and Larceny Under \$50. For 1969, the department reported 7365 larcenies of over \$50, and 25,539 larcenies under \$50. The California Bureau of Criminal Statistics, which bases its figures on those received from the Police Department, reports only 1,715 thefts in San Francisco for 1969 in its major offense (thefts over \$200) category.³ It should be

³Crime and Delinquency in California, Reference Tables: Crimes and Arrests, 1969, State of California, Bureau of Criminal Statistics, p.14.

apparent then that data like this is not very helpful for purposes of comparisons; but the figures are even more meaningless because of the internal reporting procedures of the Police Department. In early 1969, the department reported articles stolen at only 10% of the value stated by the victim. Later in the year, the department raised the percentage to 50%. At the end of 1969, or in early 1970, it raised the amount to the full value reported by the victim, as is required by F.B.I. reporting rules. To one uninformed about all these factors, statistical comparisons between cities would be very misleading; to the informed, comparisons become almost useless.⁴

Different cities and states may report the same crime differently. For example, a purse snatching may be called a robbery, a grand theft, or a petty theft, depending on the local practice. Or a crime consisting of multiple acts may be reported as one crime or as a number of crimes. For example, if in the course of a burglary, a criminal commits murder and steals a car, the F.B.I. in its Uniform Crime Reports, will report only the most serious crime, the murder. Other agencies may report a number of crimes as having taken place.

As the State of California Bureau of Criminal Statistics states:

There is no standard approach the 410 different law enforcement agencies in the State use to determine

⁴ See Crime in the United States, Uniform Crime Reports, F.B.I., 1969, p. vi. See also letter from Ronald Beattie in the Profile, Part I of this report.

whether an incident reported to them is to be counted as a crime. Some agencies are most meticulous about the elements the criminal law requires of a given offense; they classify and count every incident they believe fits the legal definition of a specific crime. Other agencies are much more restricted in what they count as an offense and tend to exclude incidents which technically could be classed as felonies but are of little significance. Not only do variant practices occur among local law enforcement agencies, but different personnel within the same agency are often inconsistent in their classifications.

Even greater discrepancies are observed in comparisons between states. Such data are particularly misleading where offenses are defined in quite different terms in different states. The tendency for the public, the press and even justice agency administrators who know better, to use crime rate figures as if they were fair and exact measurements of crime is most unfortunate.*

3. The great limitations of crime statistics are not generally realized by the public.

Because the crime rate is a highly emotional and popularly misunderstood subject, crime statistics, though misleading, are widely publicized. As law enforcement people know, they are also prime targets for manipulation. Because of the many possible variances in keeping records, crime can "rise" if a department is seeking an increased budget, or "fall" if the police are being charged with failure to protect the public adequately. And the fondness of the press for headlines shouting "Crime Rate Up" or "Crime Rate Down," based on comparisons of local and state departments with very different reporting standards only adds to the public's confusion.

*Crime and Delinquency in California, State of California, Bureau of Criminal Statistics, 1969, pp. 4-5.

4. Rather than indicating the amount or nature of crime in an area, many statistics reflect only police practices.

The police will report what comes to the attention of the police, and what comes to their attention is largely determined by what the Police Department thinks deserves its attention. For example, if in the control of prostitution the police were to restrict their attention to the streetwalker in the Tenderloin and ignore the possibility of call girls in the major hotels, the statistics would locate the problem of prostitution in one district and would not reflect the probability of its existing elsewhere in a different form.

Because of the above factors, crime statistics certainly cannot be used as shorthand indicators of either crime or police department effectiveness. Every statistical category requires so many qualifying statements and disclaimers, that they are rendered almost useless to the objective investigator.

For instance, what does the arrest rate or number of arrests made by a department tell us about department effectiveness? Clearly, in a high crime area, such as San Francisco, if the police department made very few arrests, it could be called ineffective. But is the converse true? Is a high arrest rate indicative of an effective department? If the police make a large number of arrests, but the arrests are made on the basis of inadequate or inadmissible evidence or otherwise poorly made, or padded with "sweeps" of drunks and streetwalkers, the police cannot be called effective. In 1969,

the San Francisco Police Department made 12,900 adult felony arrests, but 4740 of these people were released without any charge of any type being filed against them.⁵ (San Francisco had the highest felony release rate of any county in the State). Is that good police work? As we point out in the chapter on Felony Release, some think that harassment arrests are an effective and worthwhile law enforcement technique. Some observers believe that an arrest rate is only meaningful if it is related to convictions which is some indicator of how good the arrests were. Still others, who believe the courts deal lightly with all criminals, would not consider the conviction rate, but would look only at the number of complaints filed in court as an indicator that the arrests had some validity. But, as we point out in our chapter on Felony Release, the worth of that indicator presumes that the arrests are being screened by the police themselves or by the District Attorney. In San Francisco, there appears to be little or no screening by the District Attorney of misdemeanor arrests. Some men in the office claim there is, but the Bureau of Criminal Statistics shows that in 1969, 30,925 adults were arrested by the police for misdemeanors, and 30,925 misdemeanor complaints were filed.⁶

⁵Reference Tables; Crimes and Arrests, Bureau of Criminal Statistics, 1969, p. 32.

⁶Ibid. p. 50

From the above it is apparent that arrest rates by themselves tell us nothing useful.

Another statistical indicator of police effectiveness might appear to be clearance rates. The F.B.I. says: "The police clear a crime when they have identified the offender, have sufficient evidence to charge him and actually take him in custody."⁷ (emphasis added)

But the F.B.I.'s definition is not followed by all departments. Some departments record a case "cleared" even though no arrest is made; (for example, if a suspect has stolen property in his possession but for some reason cannot be charged or prosecuted; or if a suspect dies or flees the jurisdiction before he can be arrested.) Definitions of "clearances" may also vary between departments and even within the same department, depending upon how much emphasis they are given by a police chief or a unit commander. A study of the New York City police department pointed out the problem:

Clearance rates are one of the few indices which are routinely conducted and relate directly to the performance of professional police administrators. Therefore, it is not surprising that some administrators may be concerned with achieving a high clearance rate. Unfortunately, a high clearance rate does not necessarily reflect high performance. It may only indicate that the detectives in that unit are extremely thorough in connecting an arrestee to several of his past crimes. As a hypothetical example, one squad may receive 1000 crime reports during a month and make 100 arrests but claim no multiple clearances, thereby achieving a 10-percent clearance rate. Another squad with 1000 reported crimes may make only 50 arrests but succeed in linking each suspect to two additional cases, thereby achieving a 15-percent clearance rate. But

⁷ Crime in the United States, F.B.I., 1969, p. 28

it is questionable whether the second squad is really superior in performance.

The dilemma is that the small gain to society from substantiating multiple clearances, after a suspect has been arrested, does not appear to justify the considerable effort which may be required of the detectives concerned.⁸

Although for the reasons stated above, we can place little value in clearance figures as a measure of police efficiency, we give below the clearance figures from the F.B.I., California Bureau of Criminal Statistics and the San Francisco Police Department. We do this only because clearance figures are almost universally kept by police departments and because we have been frequently asked about them.

	<u>Murder and Non-Negligent Manslaughter</u>	<u>Forcible Rape</u>	<u>Robbery</u>	<u>Burglary</u>	<u>Auto Theft</u>	<u>Aggravate Assaults</u>
F.B.I. - 19 cities of 500,000 to 1,000,000 population. Percentage cleared by arrest*	85.1%	53.2%	23.9%	20.2%	16.6%	57.1%
F.B.I. - 321 cities in Pacific States**	83.6%	50.2%	33.2%	21.4%	20.6%	62.8%
U.S. Statewide Clearance Rates***	75.2%	43.5%	28.3%	16.7%	15.1%	69.9%
San Francisco Clearance Rates****	64%	34%	19%	6%	10%	34.8%

and ** Crime in the United States, 1969, p. 98

** Crime and Delinquency in California, 1969, p. 55.

*** San Francisco Annual Police Report, 1969, pp. 46, 47.

⁸ An Analysis of the Apprehension Activities of the New York City Police Department; Greenwood, The New York City Rand Institute, September, 1970, p. 17.

We have dealt with the subject of criminal statistics at this length primarily because they are so widely publicized, so closely followed by the public, and so misleading. Data of this type can be helpful if the methods of recording and reporting information are devised by people trained in statistics, and if this data is then uniformly kept, accurately reported, and carefully interpreted. Unfortunately, we find little of this today. The task is not one for untrained clerks. Efforts are being made by agencies such as the California Bureau of Criminal Statistics to improve the gathering and reporting of data, but as their reports show, they are having great difficulty in accomplishing their objectives.

Available statistics have been used by us, but with caution.

APPENDIX B

WORKING CONDITIONS DATA

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In a recent comprehensive study of police salaries in other jurisdictions,¹ data was developed comparing San Francisco police salaries with those of other cities.

San Francisco's ranking in cost of family living was third highest of fifteen major cities. At the same time the base maximum salary (1969) for San Francisco's patrolmen was first in those fifteen cities. When that salary was adjusted for "cost of living (moderate standards)," the S.F.P.D.'s patrolmen were ranked second. When patrolmen's pay was ranked according to "mid-point salary," in both adjusted and unadjusted categories San Francisco was first. In a comparison of minimum salaries paid patrolmen, adjusted and unadjusted, San Francisco again ranked first in both categories.

The Kansas City Survey (1970) of thirty-seven American police departments in cities with populations from 300,000 to 1,000,000 shows the following:

¹Report on the Assignment-Analysis and Compensation Studies for the Police and Fire Service, City and County of Honolulu, Hawaii, The Jacobs Co., p. 17, et seq., 1969.

<u>No. Cities Reporting</u>	<u>Rank</u>	<u>Ave. Max. Pay</u>	<u>S.F.P.D.</u>
37	Chief of Police	\$1,989.36	\$2,648.00
33	Lt. Col. (Dep. Chief)	1,567.01	2,228.00
37	Captain	1,210.98	1,533.00
36	Lieutenant	1,073.98	1,305.00
35	Sergeant	961.76	1,116.00
37	Patrolman (Max)	839.81	983.00
37	Patrolman (Min)	660.78	933.00

FRINGE BENEFITS

		<u>Ave.</u>	<u>S.F.</u>
1.	Hours worked per week 37 cities	40:06	40:00
2.	Yrs. service for min. pension 35 cities	21:57	25:00
3.	Minimum retirement age 29 cities	51:35	50:00
4.	Compulsory retirement age 34 cities	64:47	65:00
5.	Number vacation days	13:57 min. 19:78 max.	1-5 yrs = 10 days 5-15 yrs = 15 days over 15 yrs = 20 days
6.	Number paid holidays 34 cities	9:53	

The following relative salaries for police personnel come from the 1969-70 Annual Salary Survey Report of the Peace Officers Research Association of California, Inc. (19 departments, serving cities of 100,000 or more population) Figures for S.F.P.D. pay are from 1969-70 salary ordinance.

POSITION TITLE	SF RANK	MAX.	MIN.	SF.	AVE.
Chief of Police (start)	(2)	\$2885. (LA)	\$1359. (Garden Grove)	\$2648.	\$1736.
Chief of Police (top)	(2)	2885. (LA)	1635. (San Bernadino)	2648.	1987.
Captain (start)	(1)	1533. (SF)	991. (Sacramento)	1533.	1189.
Captain (top)	(1)	1533. (SF)	1137. (San Bernadino)	1533.	1341.
Lieutenant (start)	(1)	1305. (SF)	890. (Sacramento)	1305.	1045.
Lieutenant (top)	(1)	1305. (SF)	1034. (San Bernadino)	1305.	1176.
Sergeant (start)	(1)	1116. (SF)	776. (Sacramento)	1116.	904.
Sergeant (top)	(1)	1124. (Pasadena)	930. (Sacramento)	1116.	1032.
Policeman (start)	(1)	933. (SF)	677. (Huntington Bch.)	933.	747.
Policeman (top)	(1)	983. (SF)	828. (Santa Ana)	983.	886.

